



West Berkshire Council Regulation 19 Consultation on its draft Local Plan: Representations by Thatcham Town Council

To: The Director of Place / Planning Policy Team, Development and Regulation, West Berkshire Council

Thatcham Town Council respectfully submits its representations on West Berkshire Council's Regulation 19 Consultation on its draft Local Plan.

The Town Council welcomes the decision of West Berkshire Council to reconsider its proposal in the Emerging Draft Local Plan for a strategic site of 2,500 homes to the north east of Thatcham. However, the Regulation 19 draft Local Plan does not properly consider the impacts of a development of its revised proposal for 1,500 homes, nor adequate provision for the infrastructure that Thatcham so desperately needs – even before any additional homes are built.

The current Local Plan states that:

“Thatcham's services and facilities will be improved allowing the town to fulfil its role within the District Settlement Hierarchy and the Hierarchy of Centres, serving the local population, not only within Thatcham, but also the surrounding rural areas.”

This improvement has not happened during the current plan period, and the policies in the draft Local Plan and the Infrastructure Delivery Plan will not deliver this in the next plan period. The draft Local Plan is therefore unsound, as it relates to Thatcham and its surroundings.

Thatcham Town Council acknowledges that Thatcham should make its proportionate contribution to the housing needs of West Berkshire, once the deficit of infrastructure (particularly social infrastructure) in the town has been addressed.

These representations identify numerous reasons why the draft Local Plan as it relates to Thatcham is not legally compliant or is unsound. The Town Council believes that it is not ready for independent examination (as per Section 20 (7) of the Planning and Compulsory Purchase Act 2004). We therefore urge West Berkshire Council to delay the submission of the draft Local Plan to the Secretary of State, so that these matters can be addressed. This would also enable it to take into account the review of the National Planning Policy Framework, on which the Government is currently consulting.

Should West Berkshire Council proceed with submission of the draft Local Plan in its current form, the Town Council envisages that the changes necessary to make it sound would be more extensive than could be addressed through 'main modifications', and it would therefore be rejected. The Town Council understands the need for West Berkshire to have a Local Plan. Delaying the submission in order to address the issues in these representations is therefore likely to lead to an earlier date of final adoption.

The Town Council welcomes the statement in paragraph 6.63 of the draft Local Plan “Further detailed work will be required to develop a coherent masterplan or development framework to take the development [*at North East Thatcham*] forward, which will be produced in collaboration with the community and other stakeholders.”

As the principal representative of the community of Thatcham, the Town Council looks forward to playing a leading role in this collaboration. If this collaboration had started earlier (between the Regulation 18 consultation on the Emerging Draft Local Plan and this consultation) as is called for in Paragraph 25 of NPPF, then many of these representations might not have been necessary.



West Berkshire Local Plan Review 2022-2039

Proposed Submission Representation Form

Ref:

(For official use only)

Please complete online or return this form to:	Online: http://consult.westberks.gov.uk/kse
	By email: planningpolicy@westberks.gov.uk
	By post: Planning Policy, Development and Regulation, Council Offices, Market Street, Newbury, RG14 5LD
Return by:	4:30pm on Friday 3 March 2023

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>

	Your details	Agent's details (if applicable)
Title:	Ms	
First Name:*	Mel	
Last Name:*	Taylor	
Job title <i>(where relevant):</i>	Town Clerk	
Organisation <i>(where relevant):</i>	Thatcham Town Council	
Address* <i>Please include postcode:</i>	Council Offices, Brownsfield Road, Thatcham, RG18 3HF	
Email address:*	town.clerk@thatchamtowncouncil.gov.uk	
Telephone number:	01635 863592	

*Mandatory field

Part B – Your Representation

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	The Sustainability Appraisal for Policy SP1 - Spatial Strategy
Section/paragraph:	4.19
Policy:	SP1 – Spatial Strategy
Appendix:	
Policies Map:	
Other:	SP16, SP17 Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) November 2022 Sustainability Appraisal / Strategic Environmental Assessment; Appendix 5

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

Regulation 12 of The Environmental Assessment of Plans and Programmes Regulations 2004 states:

“(1) Where an environmental assessment is required by any provision of Part 2 of these Regulations, the responsible authority shall prepare, or secure the preparation of, an environmental report in accordance with paragraphs (2) and (3) of this regulation.

(2) The report shall identify, describe and evaluate the likely significant effects on the environment of—

(a) implementing the plan or programme; and

(b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.”

The SA/SEA Environmental Report states:

“The Core Strategy had a focus on Newbury and Thatcham, with two strategic sites allocated in Newbury and smaller sites allocated across the rest of the district. This mix of strategic and smaller sites across the district worked well for the Core Strategy by providing flexibility and natural phasing of developments across the plan period. As a result a similar mix of sites is considered to be appropriate for the LPR with no other alternatives considered.”

Regulation 12 requires the identification, description and evaluation of ‘reasonable alternatives’. If an approach worked well in the current plan period, it does not follow that it is the best approach for the following plan period – and it is certainly does not follow that there are no ‘reasonable alternatives’.

It is incorrect for the SA/SEA to assert that the approach in the current Local Plan has ‘worked well’ by providing ‘natural phasing of developments across the plan period. This is certainly not the case for the Sandleford Strategic Site Allocation. Policy CS3 of the current Local Plan states:

“Within the area identified at Sandleford Park, a sustainable and high quality mixed use development

will be delivered in accordance with the following parameters:

Phased delivery of up to 2,000 dwellings, of which at least 40% will be affordable and with an emphasis on family housing. At least half the housing is planned to be delivered by 2026;”

However, as the SA/SEA explains (pages 35-37): “no work has started at the site at Sandleford, with outline planning permission for the eastern part of the site only granted (on appeal) in May 2022.” The site has been re-allocated “as a single site for up to 1500 dwellings”. “Reducing the number of dwellings on the site allowed for better consideration of the constraints on the site (Ancient woodland, drainage, landscape buffers etc.) and will allow for adequate and appropriate mitigation measures to be put in place.”

The SA/SEA states (page 25, below the table):

“Following the decision that the spatial strategy should focus on Thatcham, strategic site options were considered, based on the sites submitted through the February 2020 HELAA.”

Therefore, ‘reasonable alternatives’ that are not around Thatcham were not considered. This decision was also based on the false premise that the town of Thatcham would have sufficient infrastructure to support this development, either at the time of the decision or as a result of the development. The lack of infrastructure in Thatcham is addressed by other representations of the Town Council.

The Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) for Policy SP1 cannot be legally compliant, because it explicitly states that it has not complied with the requirement to identify, describe and evaluate reasonable alternatives to the proposed policy. The experience of delays in delivery of Sandleford Park in the current plan period (described in paragraphs 6.44 – 6.46 of the draft Local Plan, and the reduction in the number of dwellings from 2,000 to 1,500, suggest that the proposed policy for North East Thatcham is not even the best alternative.

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

As explain in Section 1 above, the draft Local Plan explicitly states that no alternatives have been considered. The evidence of the failure of the Sandleford Strategic Site Allocation to deliver the expected number of houses suggests that relying on two strategic sites (with a number of smaller sites) is not even the best approach.

As the sustainability appraisal is not legally compliant, the Local Plan cannot be in accordance with Paragraph 32 of NPPF.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

A new Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) needs to be undertaken, which considers all 'reasonable alternatives' to the decisions relating to strategic sites and proposed approach of Policy SP1.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	SA/SEA Appraisal for Policy SP17 – number of homes
Section/paragraph:	6.61
Policy:	SP17 – number of homes
Appendix:	
Policies Map:	
Other:	Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) November 2022

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

Regulation 12 of The Environmental Assessment of Plans and Programmes Regulations 2004 states:

“(1) Where an environmental assessment is required by any provision of Part 2 of these Regulations, the responsible authority shall prepare, or secure the preparation of, an environmental report in accordance with paragraphs (2) and (3) of this regulation.

(2) The report shall identify, describe and evaluate the likely significant effects on the environment of—

(a) implementing the plan or programme; and

(b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.”

The SA/SEA Environmental Report describes how only a single alternative was considered in the Interim SA/SEA for the Regulation 18 consultation. For the Regulation 19 Consultation, two alternatives are considered, for 1,500 homes and 2,500 homes. No explanation is given as to why other alternatives with fewer than 1,500 homes were not considered.

One ‘reasonable alternative’ that should have been considered is to divide the required number of homes between two sites (or perhaps even more). The SA/SEA states that “A large strategic site can deliver a number of positive benefits”. This is undoubtedly true, but the opposite is not inherently false, as evidenced by the analysis in Section 2 - Soundness below:

- The NE Thatcham site would have two primary schools, so two smaller sites could have one school each.
- The provision of a GP surgery is not related to the number of houses; it would be provided by the proposal for 1,500 houses but not the one for 2,500 houses.
- The site is stated to have “local centres providing local retail facilities and small-scale employment for community use”. If there are several local centres, then they could be distributed

between several smaller sites.

- A site of either 1,500 or 2,500 homes is not sufficient by itself to support the provision of secondary education.

The SA/SEA for Policy SP13 states:

“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.”

The Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) for Policies SP1 and SP13 are therefore not legally compliant, because they have not considered all of the ‘reasonable alternatives’ to a single development of 1,500 homes.

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

As the sustainability appraisal is not legally compliant, the Local Plan cannot be in accordance with Paragraph 32 of NPPF.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

A review of Table 30 should be part of a wider review of the Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) in relation to North East Thatcham.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	SA/SEA appraisal for Policy SP17 – Table 30
Section/paragraph:	
Policy:	SP17
Appendix:	
Policies Map:	
Other:	SP1 Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) November 2022

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		✓
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

The Sustainability Appraisal should be based on evidence, rather than speculation or supposition.

Table 30 compares the SA/SEA a development of 2,500 homes (i.e. the proposal for the Regulation 18 consultation) and for 1,500 homes (i.e. the proposal for the Regulation 19 consultation) for North East Thatcham. It should therefore be based on the SP17 Policy for this development in the Emerging Draft Local Plan for the Regulation 18 consultation and the Draft Local Plan for the Regulation 18 consultation.

The table below compares the text of Table 30 with the corresponding parts of Policy SP17 in those two consultations.

With the exception of secondary education, the version of Policy SP17 for 1,500 homes (i.e. Regulation 19) gives a greater positive impact and confidence in that impact than the version of Policy SP17 for 2,500 homes (i.e. Regulation 18).

Nothing can be meaningfully inferred regarding provision of secondary education:

- The figure of 8FE appears to have been copied from the Thatcham Strategic Growth Study, where it is given very tentatively as a need resulting from other unspecified developments in the Newbury/Thatcham area.
- The figure of 2.5FE is below the minimum viable size for a secondary school, so is undeliverable.

Thatcham Town Council has provided detailed representations on many aspects of Policy SP17, including primary healthcare, secondary education and the provision of social infrastructure in the town.

Comparison of SA/SEA aspects of Policy SP17 for 1,500 and 2,500 homes

		Thatcham Town Council comments
Issue	Overall impact on sustainability	
Table 30 – up to 2,500 homes	Overall development of this site would be likely to result in a positive impact on all elements of sustainability.	The assessment for 1,500 homes is inconsistent with the sustainability appraisal for Policy SP17 in Appendix 5, which gives a positive or neutral assessment for every SA objective except one, and gives an 'Overall Effect' of "positive". The one negative assessment is for the greenfield site, which is independent of the number of homes.
Table 30 – up to 1,500 homes	Overall development of this site is likely to give a neutral impact on all elements of sustainability.	
Issue	Community Infrastructure	
Table 30 – up to 2,500 homes	The scale of the development provides for community infrastructure to be delivered on site, resulting in a significantly positive impact on social sustainability.	<p>The on-site community infrastructure delivered by Policy SP17 at Reg. 19 has overall a greater positive impact than at Reg. 18:</p> <p>SP17 Reg.19 would provide a GP Surgery that SP17 Reg.18 would not.</p> <p>SP17 Reg.19 would provide a 1,200 sq m community indoor facility that SP17 Reg.18 would not.</p> <p>Both SP17 Reg.18 and Reg. 19 would provide primary schools to meet the needs of the site.</p> <p>SP17 Reg. 18 would provide an 8FE secondary school with land provided and part funded by the development, whereas SP17 Reg. 19 would only provide land to meet the impact of the development (approx. 2.5FE). However, there is no rationale for the earlier provision of 8FE or for this massive reduction. A 2.5FE secondary school is not viable, and the reduction in the number of houses should make land for a school more readily available. There has been no assessment of need for provision of secondary education, so the wider benefit of education facilities is not</p>
Table 30 – up to 1,500 homes	The scale of the development would provide for some community infrastructure, resulting in a positive impact on social sustainability, however, the development may not be of a size to deliver a wider range of facilities to support Thatcham such as new education facilities.	
Policy SP17 Reg. 18	2 new primary schools (1 x 3FE, 1 x 2FE) and the sports infrastructure requirements of those schools A new secondary school (8FE) and the sports infrastructure requirements of that school	
Policy SP17 Reg. 19	450 sq. metres GP Surgery A 2.5 FE primary school on site and sports infrastructure requirements of the school Secondary provision - Land to meet the impact of the development 1,200 sq m community indoor facility to be used for sport and community uses with a	

	variety of room sizes Outdoor formal and informal sports pitches and areas to meet the identified need of the development;	substantiated (however, they may well be needed, if only to address changes in school catchment areas resulting from developments elsewhere in the Newbury/Thatcham area).
Table 30 – up to 1,500 homes	It is noted, that compared to a higher number of dwellings, this option may not deliver all of the education provision originally envisaged on the site...	
Issue	Environmental sustainability	
Table 30 – up to 2,500 homes	While there is an unknown impact on environmental sustainability in relation to impacts on air, water, noise and soil mitigation measures would be able to deliver an overall neutral impact.	If the impact on environmental sustainability is 'unknown', it cannot be known if mitigation measures would be able to deliver an overall neutral impact.
Table 30 – up to 1,500 homes	While there is an unknown impact on environmental sustainability in relation to impacts on air, water, noise and soil mitigation measures would be able to deliver an overall neutral impact.	
Issue	Employment and business opportunities	
Table 30 – up to 2,500 homes	Development is likely to result in a positive impact in relation to economic sustainability as employment and business opportunities will be provided for on site along with community facilities.	There is greater confidence in the positive impact for Policy SP17 at Reg. 19, because the total size of the centres is specified.
Table 30 – up to 1,500 homes	Development is likely to result in a positive impact in relation to economic sustainability as employment and business opportunities will be provided for on site along with community facilities.	
Policy SP17 Reg. 18	Local centres providing local retail facilities and small-scale employment space	
Policy SP17 Reg. 19	Local centres providing local retail facilities and small-scale employment for community use (approximately 1,100 sq. metres)	
Issue	Sports pitches	
Policy SP17 Reg. 19	Outdoor formal and informal sports pitches and areas to meet the identified need of the development	There is no corresponding statement in SP17 at Reg. 18, but the 'identified need' will be defined through other policies. This is therefore not, in practice, a difference in impact.
Issue	Scale of the site	
Table 30 – up to 2,500 homes	The scale of the site allows for greater scope for onsite mitigation to any potential sustainability impacts.	There is no evidence for this in comparison Policy SP17 for Reg.18 and Reg.19.
Table 30 – up to 1,500 homes	The scale of the site will mean that more additional sites will need to be allocated across the district.	This statement is inconsistent with the changes in site allocations between Regulation 18 and 19 in Policies SP13-15.
Table 30 – up to 1,500 homes	It is noted, that compared to a higher number of dwellings, this option may not deliver ... the additional improvements to community infrastructure within Thatcham.	Neither SP17 nor any other Policy address additional off-site improvements to community infrastructure within Thatcham, at either Regulation 18 or 19, so there is no basis for this assertion. It is also not supported by the Infrastructure Delivery Plans associated with those consultations.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

A review of Table 30 should be part of a wider review of the Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) in relation to North East Thatcham.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Sustainability Appraisal for Policy SP17 – Appendix 5
Section/paragraph:	
Policy:	SP17
Appendix:	
Policies Map:	
Other:	Sustainability Appraisal: Appendix 5 SA/SEA of Strategic Policies Appendix 4 of the HELAA – Site assessments

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

The Sustainability Appraisal of Policy SP17 is so inadequate that it does not comply with the requirement of Paragraph 12(2)(b) of The Environmental Assessment of Plans and Programmes Regulations 2004:

“The report shall identify, describe and evaluate the likely significant effects on the environment of -
(a) implementing the plan or programme; and

(b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.”

Many of the ‘scores’ for the ‘Effects of Policy SP17 on SA Objectives’ are not justified by what is actually contained in the policy and/or are incompatible with the supporting evidence supplied with the consultation or provided by Thatcham Town Council in these representations.

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		✓
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with		

rather than deferred, as evidenced by the statement of common ground		
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

The sustainability appraisal of Policy SP17 is extremely superficial, and provides no evidence to support the assessments given. The words “likely” and “should” are used to justify a benefit, when there is no evidence to support this.

The assessment within the SA/SEA is inconsistent with the assessment for site THA20 (the previous name for NE Thatcham) as described in the HELAA 2020 (referenced in paragraph 6.55 of policy SP17).

There is no appraisal whatsoever of the viability and accuracy of the points in the policy. Thatcham Town Council is particularly concerned about the ‘justifications for the following:

- The provision for land for a secondary school is substantially below the minimum in West Berkshire Council’s own policy and Government requirements for funding.
- The health centre also appears to be too small to be viable, and West Berkshire Council has not complied with its Duty to Cooperate on this matter.
- Policy SP17 does nothing to rectify the current deficit of infrastructure in Thatcham, let alone provide the additional infrastructure needed for the additional new residents.

These issues are considered in detail in specific representations by the Town Council.

A detailed analysis of the sustainability appraisal of Policy SP17 is provided in the table below. The first six columns are copied from the Sustainability Appraisal, and the last two columns are the comments of Thatcham Town Council and its assessment of the effects of Policy SP17 on the SA Objectives.

North East Thatcham Strategic Site

++	+	0	-	--
Significantly Positive	Positive	Neutral	Negative	Significantly Negative

Appendix 5 SA/SEA of Strategic Policies						Thatcham Town Council assessment	
SA Objective	SA Sub-Objective	Effects of Policy on SA Objectives	Justification for assessment	Mitigation / Enhancement	Comment	Comment	Effects of Policy on SA Objectives
1: To enable provision of housing to meet identified need in sustainable locations	1(a): To maximise the provision of affordable housing to meet identified need	++	The policy includes specific reference to the provision of affordable housing to be provided on the site.		The policy is likely to have a significantly positive impact on social sustainability as it will help to meet housing to meet local needs, including affordable housing and provision to meet needs across all sectors of the community.		++
	1(b): To enable provision of housing to meet all sectors of the community, including those with specialist requirements	++	The policy includes requirements for a range of dwellings types as set out in SP18. There is also a requirement for 3% of dwellings to be delivered via serviced custom/self-build.			The mix of housing types, provisions for social housing for rent and specialist requirements for wheelchairs are addressed in policies SP18 and SP19, and these are not mentioned within Policy SP17. They should be assessed under those policies.	0
2: To improve health, safety and wellbeing and reduce inequalities	2(a): To support healthy, active lifestyles	++	The policy includes requirements for sports facilities, sustainable modes of travel to be designed into the site to allow for safe, active travel.		The policy is likely to have a significantly positive impact as it seeks to support and improve health, safety and wellbeing.	The Thatcham Strategic Growth Study suggests that the identified need of the development for outdoor formal and informal sports pitches and areas is not deliverable on-site (presumably because of the slope of most of the site). The proposed off-site location at Henwick Worthy is	0

						not viable. The requirement for sustainable modes of travel on the site are likely to be compromised by the constraints in providing safe and welcoming cycle routes along the A4 and to Thatcham Station.	
	2(b): To reduce levels and fear of crime and anti-social behaviour	+	The policy is likely to have a positive impact as the design of the site should be such to design out crime.			The policy does not address crime or antisocial behaviour. Indeed, crime is only mentioned once anywhere in the draft Local Plan (in the context of levels of exterior lighting) and antisocial behaviour is not mentioned at all.	○
	2©:To enable the protection and enhancement of high quality multi-functional GI across the District	++	The policy is likely to have a significantly positive impact as it includes details of the GI provision required.			The development will inevitably be to the detriment of the green existing infrastructure of the site. There is insufficient information about the proposed 'Country Parks / Public Open Spaces' to assess to what extent they will enhance the overall GI, or just mitigate the detriment to GI of the development.	+
3: To improve accessibility to community infrastructure	3(a): To improve access to education, health and other services	++	The policy is likely to have a positive impact on accessibility community services and facilities, including education provision, health care provision and other services/facilities		The policy is likely to have a positive impact on all elements of sustainability as it seeks to improve accessibility to community infrastructure.	The proposed provision for secondary education is demonstrably not viable. The Town Council has concerns about the viability of the primary healthcare provision. West Berkshire Council has not complied with its statutory Duty to Cooperate, in order to validate its viability.	--

	3(b): To support the development of access to IT facilities including Broadband particularly in rural locations	?	Other policies in the plan require consideration of digital infrastructure, so overall the development should result in a positive impact on digital accessibility.			The wording for SP16 is more appropriate: 'Specific mention of IT facilities is not mentioned within the policy, therefore, it is likely to have a neutral impact.' In any case, a site of this size will nowadays be provided with broadband on a commercial basis without needing any policy intervention.	○
4: To promote and maximise opportunities for all forms of safe and sustainable travel.	4(a): To reduce accidents and improve safety	+	The policy is likely to have a positive impact on road safety as safe travel will be critical to the design of the site.		The policy is likely to have a significantly positive impact on all element of sustainability as it seeks to provide opportunities for safe and sustainable travel.	This policy does not address accidents or safety.	○
	4(b): To increase opportunities for walking, cycling and use of public transport	++	The policy is likely to have a significantly positive impact on walking, cycling and public transport as the development should be designed with these in mind.			Neither Policy SP17 nor the supporting text mention public transport, although the Traffic Study and the Thatcham Strategic Growth Study do.	+
5: Ensure that the character and distinctiveness of the natural, built and historic environment is conserved and enhanced.	5(a): To conserve and enhance the biodiversity and geodiversity of West Berkshire	++	The policy is likely to have a significantly positive impact on biodiversity as it sets out specific ecological requirements for the development		The policy is likely to have a significantly positive impact on environmental sustainability as it seeks to conserve and enhance the natural, built and historic environment.	The Policy calls for Biodiversity Net Gain Strategy, but this is in part to mitigate the loss of biodiversity from the development.	+
	5(b): To conserve and enhance the character of the landscape	+	The policy is likely to have a positive impact on landscape character as consideration of the landscape is written into the policy.			It is inconceivable that a development of 1,500 dwellings can have a positive impact on landscape character.	--
	5(c): To protect or, conserve and enhance the built and historic environment to	+	The policy is likely to have a positive impact on the historic environment as it includes the requirement for a Historic Environment			The development will undoubtedly be detrimental to the settings of Siege Cross Farm and the barn at Colthrop Manor, both of	-

	include sustaining the significant interest of heritage assets		Strategy to be submitted			which are listed buildings. The Historic Environment Strategy can only address how to mitigate this detriment.	
6: To protect and improve air, water and soil quality, and minimise noise levels throughout West Berkshire.	6(a): To reduce air pollution	○	The policy is unlikely to impact on air quality	Other policies in the plan will ensure that there is no negative impact on air quality.	The policy is unlikely to impact on any element of sustainability in relation to air, water, soil or noise.		○
	6(b): To manage noise levels	○	The policy is unlikely to impact on noise levels				○
	6(c): To maintain and improve soil quality	○	The policy is unlikely to impact on soil quality				○
	6(d): To maintain and improve water quality	○	The policy is unlikely to impact on water quality.			The assessment that “The policy [SP17] is unlikely to impact on water quality” is inconsistent with the district-wide assessments of Water Supply and Water Quality on p9 of the SA/SEA Environmental Report November 2022. The increase in abstraction to provide water for the site could be detrimental to the chalk aquifers of the Kennet Valley, and therefore to its chalk streams.	-
7: To promote and improve the efficiency of land use.	7(a): To maximise the use of previously developed land and buildings where appropriate	-			The policy is likely to have an overall neutral impact, with a positive impact on social sustainability as it seeks to provide suitable densities of dwelling across the site.	The site is entirely greenfield, within the setting of the North Wessex Downs AONB.	--
	7(b): To apply sustainable densities of land	+	The policy is likely to have a positive impact on density of land use, as the			The area of the site has not been reduced in proportion to the reduction from 2,500 to	--

	use		number of dwellings on the site takes into account appropriate densities.			1,500 dwellings, so the expected density must therefore have been reduced in that proportion – i.e. to 60% of the Regulation 18 consultation.	
8: To reduce consumption and waste of natural resources and manage their use efficiently.	8(a): To reduce energy use and promote the development and use of sustainable /renewable energy technologies, generation and storage	++	The policy is likely to have a significantly positive impact on energy use as it requires the site to consider energy use and provide on-site renewable energies.			The requirements of the energy strategy will probably not go significantly beyond what will be required by planning policy in force by the date of construction. It is unclear what is meant by 'on-site renewable energy' beyond the solar panels and heat pumps that will be needed for net carbon zero dwellings and BREEAM 'excellent' non-residential buildings;	+
	8(b): To reduce waste generation and disposal in line with the waste hierarchy and reuse of materials	o	The policy is unlikely to have an impacts on waste generation. However, the policy does require 'BREEAM' excellent for non-residential buildings which can include consideration of waste management.				o
	8(c): To reduce water consumption and promote reuse	+	The policy is likely to have a positive impacts on water consumption as it requires an integrated water supply and drainage strategy to be submitted.			The Integrated Water Supply and Drainage Strategy required by SP17 makes no mention of reduction of water consumption or reuse.	o
	8(d): To reduce the consumption of minerals and promote reuse of secondary materials	+	The policy is likely to have a positive impact on the consumption of minerals as it requires a MRA to be submitted.			The production of an MRA does nothing by itself to reduce consumption of materials. A very small part of the site is on the periphery of the Minerals Safeguarding	o

						Area, but the oil pipeline runs through this area which would probably prevent any extraction.	
9: To reduce emissions contributing to climate change and ensure adaptation measures are in place to respond to climate change.	9(a): To reduce West Berkshire's contribution to greenhouse gas emissions	+	The policy is likely to have a positive impact as it seeks for a sustainable, low carbon development.		The policy is likely to have a positive impact on all elements of sustainability in relation to responding to climate change.	The policy does not address the considerable contribution to greenhouse gas emissions from the manufacture of building materials, transport of them and construction of the site. The BREEAM standard for non-residential buildings should be 'outstanding, rather than merely 'excellent.	-
	9(b): To sustainably manage flood risk to people, property and the environment	? / +	The policy requires consideration of SuDS that could deliver net gains for Thatcham, but there is no other reference made to flood risk. The policy does include requirements for GI, ecology and sustainability measures to be included which may all have a positive impact on flood risk,	The policy, in combination with other policies in the plan (eg. The flooding policy) should result in a positive impact.			?
10: To support a strong, diverse and sustainable economic base which meets identified needs.	10(a): To encourage a range of employment opportunities that meet the needs of the District	+	The policy is likely to have a positive impact on employment opportunities as it includes a requirement for community facilities, which could include employment opportunities, to be provided on site.			Policy SP17 states: "Local centres providing local retail facilities and small-scale employment for community use (approximately 1,100 sq. metres Class E and F2). Local retail facilities by their nature do not "meet the needs of the District". The relatively small floor area and broad range of uses that fall within Classes E and F2 make it impossible to assess the extent to which these	?

						facilities meet this sub-objective, if at all.	
	10(b): To support key sectors and utilise employment land effectively and efficiently	○	The site is unlikely to impact on the effective and efficient use of employment land			Site ESA1 (Land east of Colthrop Industrial Estate, Thatcham) was within the area considered in the Thatcham Strategic Growth, and we understand that it is in the ownership of a proponent of THA20. This has now been granted planning permission for warehousing and light industrial – which is a missed opportunity for ESA1 to be developed in a way that complements and provides employment for future residents of North East Thatcham.	-
	10(c): To support the viability and vitality of town and village centres	++	The policy is likely to have a significantly positive impact on the viability and vitality of Thatcham as the development will support itself and other improvements within Thatcham.			The vision for regeneration of Thatcham Town Centre and improvement of provision of leisure and community facilities that in the DPD of the 2012 Local Plan has not materialised; they have, if anything, deteriorated in that period. Policy SP17 says nothing about regeneration of Thatcham Town Centre, and the increase in population will make the existing provision less sustainable.	--

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

A proper sustainability appraisal of Policy SP17 needs to be undertaken, followed by a new assessment of the reasonable alternatives (including different sites). The results need to be reflected in main Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) Report (in particular, Tables 30 and 31).

As justification, the Examination should consider whether the assessment of SP17 in the Sustainability Appraisal is consistent with the more detailed assessment of site THA20 in the HELAA.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Water usage efficiency
Section/paragraph:	10.69
Policy:	DM7
Appendix:	
Policies Map:	
Other:	Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA); Environmental Report (November 2022) Sustainability Appraisal / Strategic Environmental Assessment: Appendix 6: SA/SEA of Development Management Policies West Berkshire Water Cycle Study – Phase 2

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes No

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		✓
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

The West Berkshire Water Cycle Study – Phase 2, prepared by JBA Consulting states:

“Both Water Resource Zones in the study area are classed as being under serious water stress – justifying the more stringent target of 110 l/p/d under building regulations.

WBC may want to consider going further than the 110l/p/d water efficiency target particularly in larger strategic developments.

Policies to reduce water demand from new developments, or to go further and achieve water neutrality in certain areas, could be defined to reduce the potential environmental impact of additional water abstractions in West Berkshire, and also help to achieve reductions in carbon emissions.”

(The recommendation in the second sentence occurs in three places in the document, on pages 5, 21 and 87)

This recommendation should have been considered as part of the Strategic Environmental Assessment.

Policy DM7 in the draft Local Plan states:

“All new residential developments (including replacement dwellings) will meet the Building Regulation optional higher water efficiency standard of 110 litres per person per day, as set out in Building Regulations part G2.”

The assessment of this policy in the SA/SEA Environmental Report November 2022 states:

“This is a new policy proposed for inclusion in the LPR. A Water Cycle Study (WCS) was carried out in response to comments made by the Environment Agency during the Regulation 18 consultation. The policy reflects the findings of the WCS, which highlights West Berkshire as an area of serious water stress. **No other alternatives have been considered.** A summary of the SA/SEA of the policy wording is included in table x [sic] below.” *(our emphasis)*

The detailed assessment of Policy DM7 in Appendix 6 of the SA/SEA also makes no mention of the recommendation to consider going further than the 110l/p/d water efficiency target.

Therefore, the recommendation of JBA Consulting in the Water Cycle Study has not been properly considered.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

West Berkshire Council should undertake a proper environmental assessment of the target for water usage efficiency. Depending on the conclusions of that assessment, it should reduce the water efficiency target in Policy DM7.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Housing allocation for North East Thatcham
Section/paragraph:	6.22, 6.61
Policy:	SP12, SP17
Appendix:	
Policies Map:	
Other:	Thatcham Strategic Growth Study Stage 3 West Berkshire Strategic Transport Model

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

The draft Local Plan was approved to move to Regulation 19 Consultation by a meeting of West Berkshire Council on 1st December 2022. This approval was given on the basis that the size of the development when complete would be approximately 1,500 dwelling. The Council's press release on this decision stated:

"Councillors allocated a new strategic development of 1,500 new homes in north-east Thatcham, a significant decrease from the 2,500 previously proposed."

"We have cut the proposals for any future development in north-east Thatcham by 1,000 homes, which is a big change." (*the full press release is copied below*)

The emerging draft Local Plan (December 2020) stated at paragraphs 6.12 and 6.13:

"This includes the strategic allocation at North West Thatcham for up to 2,500 homes where delivery of at least 1,250 dwellings is anticipated within the plan period."

The Local Plan Submission draft (January 2023) states in Policy SP17: "The site is to be allocated for approximately 1,500 dwellings which will be completed within the period of the plan.";

at paragraph 6.22: "additional housing supply on newly allocated sites ... includes the strategic allocation at North West Thatcham for up to 1,500 homes within the plan period.";

and at paragraph 6.61: "Delivery of approximately 1,500 dwellings is anticipated within the plan period."

Policy SP17 is silent on the possibility of additional dwellings following the plan period.

Policy SP17 also states: "The Thatcham Strategic Growth Study provides guiding principles for the delivery of the site therefore proposals will demonstrate that these guiding principles have been positively responded to."

The Thatcham Strategic Growth Study was prepared for a site allocation of 2,500 dwellings, and has not been updated following the decision. It could therefore be interpreted that one of the 'guiding principles' of the Growth Study is a final size for the development of 2,500 dwellings.

Even worse, an applicant for planning permission might 'cherry pick' a site allocation of up to 2,500 dwellings with the infrastructure provisions in Policy SP17 that are based on the needs of 1,500 dwellings.

The wording of Policy SP17 is therefore unclear and ambiguous on the expected final number of dwellings on the North East Thatcham site. It is therefore not evident how a decision maker (whether West Berkshire Council or the Planning Inspectorate in case of an appeal) would interpret the policy.

Paragraph 16 of the NPPF (July 2021) states that: "Plans should: d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals". Policy SP17 is therefore not in accordance with Paragraph 16 of NPPF, and is therefore not consistent with national policy.

Date: 02 December 2022

Council vote to progress submission of the Local Plan Review

Councillors voted last night to move the Local Plan Review submission to the next stage, ensuring that West Berkshire remains a 'Plan-led' authority. The Local Plan Review, a long-term strategic document used to set out the vision and framework for the area's future development, will become open for public consultation beginning 6 January 2023 for six weeks.

By 2039, the Local Plan Review will have provided approximately 9,000 much-needed new homes for our residents, ensuring a mix of new homes, including affordable homes, homes for growing families, first-time buyers and even downsizers. This includes infrastructure proposals to support new development as well as services to our existing communities.

The advancement of the Local Plan Review to the next stage is a significant step toward maintaining West Berkshire as a 'plan-led' authority where development and growth are managed and planned for. This means that the District's valuable assets will be both protected and enhanced, with growth allocated to the least sensitive areas.

Councillors wanted to make sure that the environment and the effects of climate change were prioritised by supporting ambitious standards for sustainability and environmental impact outlined in the Local Plan Review ahead of government targets.

Following extensive consultation with local stakeholders during the previous Regulation 18 consultation, major themes have been addressed and resolved. Councillors allocated a new strategic development of 1,500 new homes in north-east Thatcham, a significant decrease from the 2,500 previously proposed. Ensuring 600 of the 1,500 proposed homes for north-east Thatcham will be affordable.

The Plan is also business-friendly, with areas for existing West Berkshire businesses to expand and spaces to attract new businesses in to our District, creating new jobs and opportunities for all. The proposals prioritise the preservation of the District's valuable assets, such as the Area of Outstanding Natural Beauty (AONB) and important green spaces, as well as local flora and fauna.

As part of the vote, over 40 development management policies were also updated. These include minimum house sizes, maximum amount of water to be used in new dwellings as well as policies relating to health and well-being, and residential amenity.

The Local Plan Review is the conclusion of years of work (it began in November 2018), including extensive evidence gathering, thousands of hours of Officer time, consultation with the public, our neighbours, and land owners in the District, and regular cross-party meetings with Councillors who have shaped the Plan.

Councillor Richard Somner, (Executive Member for Planning, Transport & Countryside) said:

"This plan is a green plan, a business friendly plan, a housing plan for our children and future residents and a good plan for West Berkshire. I'm pleased that Councillors voted to send the Local Plan to Regulation 19 Consultation, which will start in January 2023.

"Tonight's debate showed how important this Local Plan is. It identifies where 9,000 new homes can be built by 2039, focuses on how development can help solve the climate crisis, and protects the district's most valuable assets.

"By moving the Local Plan to the next stage, Councillors also made sure that over 40 of our Development Policies, such as those about enforcement and environmental protection, have been updated and start to carry weight when we decide future planning applications. Without waiting for the examination process to be over.

"Officers will now prepare for the Local Plan to go out to public consultation in January 2023. Those wishing to comment on the Plan should wait until the consultation period opens. Further details to follow.

"We couldn't have gotten to this point without input from the community and other important people. We have cut the proposals for any future development in north-east Thatcham by 1,000 homes, which is a big change. We have been listening and will continue to do so."

ENDS

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

To make this aspect of policy SP17 sound, it must be clarified that the 1,500 dwellings is the final number when development is completed, and not the number completed during the plan period.

Supporting evidence needs to be provided to justify this number.

NOTE: This comment is without prejudice to other representations by the Town Council on Policy SP17.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	The deliverability of SP17
Section/paragraph:	6.61
Policy:	SP17
Appendix:	
Policies Map:	
Other:	

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		

Please give reasons for your answer:

The emerging draft Local Plan (December 2020) stated at paragraphs 6.12 and 6.13:

“... assuming that 1,000 homes are deliverable at Sandlesford Park by 2037 (with the remaining 500 in the next plan period) ...”

“This includes the strategic allocation at North West Thatcham for up to 2,500 homes where delivery of at least 1,250 dwellings is anticipated within the plan period.” (*at that time, the expected plan period was 17 years from 2020 to 2037*)

The Local Plan Submission draft (January 2023) states at paragraph 6.22:

“additional housing supply on newly allocated sites ... includes the strategic allocation at North West Thatcham for up to 1,500 homes within the plan period.” (*at this time, the expected plan period is 17 years from 2022 to 2039*).

No justification is provided for the increase from 1,250 to 1,500 in the number of dwellings anticipated to be delivered during the 17 year plan period. The proposals for North East Thatcham are less well developed in 2023 than the proposals for Sandlesford Park were in 2020, yet it was envisaged that only 1000 of the 1,500 dwellings at Sandlesford Park could be delivered in the plan period.

Policy SP17 expects that numerous Charters, Strategies and Plans will need to be prepared – and approved by West Berkshire Council – before any development can commence. None of these were mentioned in the Regulation 18. The preparation of these documents will delay the start of delivery.

The constraints of water supply and treatment on the rate of housing delivery

The increase in the number of dwellings from 1,250 to 1,500 proposed for the 17 year plan period and the delay in the start of delivery will together increase the rate of increase in demand for water supply and water treatment, compared to SP17 at Regulation 18. In its response to that consultation, Thames water said that “the scale of development/s in this catchment is likely to require upgrades of both the water supply network and water treatment works”.

The West Berkshire Water Cycle Study – Phase 2 recommended that West Berkshire Council “Consider the need for additional water supply infrastructure when selecting sites for allocation in the Local Plan Review” and “consider the available Waste water Treatment Works (WwTW) capacity when phasing development going to the same WwTW. Otherwise, the rate of housing delivery might be constrained by the delivery of essential network and treatment upgrades.

Paragraph 5.38 of the Duty to Cooperate Statement (January 2023) is only a very superficial comment that does not provide any reassurance that this issue is being addressed.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

West Berkshire Council either needs to provide evidence of the deliverability of 1,500 dwellings at North East Thatcham in the plan period, or to reduce this housing allocation to what is deliverable (the assessment in the HELAA relied on the opinion of the site promoter).

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Ambiguous use of the word “will” throughout the draft Local Plan, but particularly in policy SP17, and other ambiguities
Section/paragraph:	All parts of SP17
Policy:	SP17
Appendix:	
Policies Map:	
Other:	

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

Paragraph 16 of the NPPF (July 2021) states that: “Plans should: d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”.

The word “will” has many different meanings when it forms part of a modal verb, including:

- (i) To issue commands, to express intention or determination;
- (ii) To make requests, or invite;
- (iii) To wish, desire or want.

Within the draft Local Plan, the word “will” is used with all three meanings. In some cases, the intended meaning is clear, but in many places it is not. This leads to considerable ambiguity, and the risk that the policy could be interpreted in the future in ways that are contrary to what is currently intended, or that the policy could be challenged through planning appeal.

This ambiguity exists throughout the draft Local Plan, but the concern of Thatcham Town Council is focussed on policy SP17.

The Policy refers to the “Thatcham Strategic Growth Study provides guiding principles for the delivery of the site”. This study has three reports: Thatcham Past, Thatcham Present and Thatcham Future. Presumably, only the last of these is relevant to Policy SP17, so this should be clarified.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

It is necessary to replace the word “will”, where the intended meaning is a commitment or obligation. The two possibilities are “must” or “shall”.

We prefer the use of “must”, as recommended in ‘The Office of Parliamentary Counsel: Drafting Guidance’; June 2020.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/892409/OPC_drafting_guidance_June_2020-1.pdf (retrieved 12/02/2023)

Policy SP17

North East Thatcham Strategic Site Allocation

Land as shown on the Policies Map is allocated for a sustainable low carbon, urban extension comprising of distinct neighbourhoods defined by their landscape and connected and contributing to Thatcham, and woven through with natural habitats and links. The site must ~~will~~ be masterplanned and delivered as a whole to achieve a comprehensive development. The provision of all infrastructure, services, open space and facilities must ~~will~~ be timely and co-ordinated. The Thatcham Strategic Growth Study Stage 3 Report Thatcham Future provides guiding principles for the delivery of the site therefore proposals must ~~will~~ demonstrate that these guiding principles have been positively responded to.

[NOTE: we are unclear how “positively responded to” would be interpreted in planning policy terms, especially as the Thatcham Strategic Growth Study was for 2500 houses]

Homes

The site is to be allocated for approximately 1,500 dwellings which are expected to ~~will~~ be completed within the period of the plan. These dwellings must ~~will~~ comprise of a housing mix which complies with the housing mix contained in Table 3 of Policy SP18. In addition at least:

- 40% of dwellings must ~~will~~ be affordable housing; and
- 3% of dwellings must ~~will~~ be delivered via serviced custom/self-build plots.

Community

The site must ~~will~~ provide:

- Local centres providing local retail facilities and small-scale employment for community use (approximately 1,100 sq. metres Class E and F2);
- 450 sq. metres GP Surgery to be offered to the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board or other such appropriate body;
- Early years provision;
- A 2.5 FE primary school on site and sports infrastructure requirements of the school, land to be provided and build costs to be met by the applicant;
- Secondary provision - Land to meet the impact of the development. The nature and cost of the mitigation must ~~will~~ be informed by a feasibility study, undertaken at the applicants expense and prepared in collaboration with the Council and local stakeholders;
- 1,200 sq m community indoor facility to be used for sport and community uses with a variety of room sizes (currently use classes E and F);
- Outdoor formal and informal sports pitches and areas to meet the identified need of the development;
- Open space to meet the needs of the development in accordance with Policy DM41;

Green Infrastructure

The site must ~~will~~ provide a comprehensive green infrastructure network which will take advantage of the landscape features of value within and around the site. This network will comprise:

- A new community park linking Thatcham to the North Wessex Downs AONB;
- Greenways which connect through the site to the park, facilitate connection to the AONB, and include leisure routes accessible to all users;
- A comprehensive network of other accessible routes and connections within the development which provide walking and cycling links along desire lines;
- Existing and new Public Rights of Way; and
- Retained and new trees, hedgerows and other appropriate native planting which contribute to biodiversity net gain.

Transport

Measures must ~~will~~ be included to improve accessibility by, and encourage use of, non-motorised transport modes. A Transport Strategy must ~~will~~ provide detail on how this will be achieved, including:

- Active travel improvements on routes between the site, Thatcham town centre and the railway station;
- A vehicular through route;
- Sustainable transport through routes;
- Mitigation of the development's impacts on the highways network with improvements to existing junctions where they are needed and delivery of new access points for all forms of movement and transport to the site at locations to be agreed with the planning authority; and
- How adverse impacts on air quality will be minimised.

Sustainability

Development of the site ~~must will~~ be in accordance with ~~supported by~~ a Sustainability Charter which will establish how policy requirements will be achieved. This will be informed by:

- An Energy Strategy which must sets out measures to achieve a model low carbon development (following the energy hierarchy) in accordance with Policies SP5 and DM4, including:
 - net zero carbon (regulated and unregulated energy) emissions for dwellings;
 - BREEAM 'excellent' non residential buildings;
 - on-site renewable energy to assist in the delivery of a net zero carbon neutral development; and
 - carbon off-setting.
- An Integrated Water Supply and Drainage Strategy which must will set out:
 - measures to ensure the provision of adequate and appropriate infrastructure for water supply and waste water, both on and off site; and
 - surface water management approaches that could deliver net gain for Thatcham town, including use of on-site sustainable drainage systems (SuDS).
- An Ecology Strategy which must will set out:
 - a Biodiversity Net Gain Strategy to show how net gain will be achieved including through habitat restoration and linkages;
 - how priority habitats and ecological features will be protected and enhanced;
 - the creation of new ecological features; and
 - a site-wide management plan.
- A Green Infrastructure Strategy which must will show how a network of multifunctional green infrastructure will be delivered across the site.
- A Public Rights of Way Strategy which must ~~to~~ demonstrate how existing Public Rights of Way will be protected and enhanced and how new ones will be established, including bridleway links and safe crossing points.
- A Lighting Strategy which must will include consideration of dark skies, particularly in relation to the nearby North Wessex Downs AONB, and measures to mitigate the impact on biodiversity.
- A Landscape and Visual Impact Assessment (LVIA) in accordance with the Landscape Institute Guidelines for Landscape and Visual Impact Assessment 3rd ed. 2013. This will inform the final capacity, development, design and layout of the site and requirements for green infrastructure and the provision of public open space. The LVIA will be informed by the Landscape Sensitivity Assessment (2021) of the site.
- A Mineral Resource Assessment (MRA).
- A Historic Environment Strategy which must ~~to~~ demonstrate how the listed buildings in the area will be conserved and how the impact of the development on their settings has been considered.

A Construction and Operations Management Plan (COMP) shall accompany any planning application on the site. The COMP shall safeguard the oil pipeline from operational works, including the provision of an appropriate buffer.

[NOTE: This final paragraph should not be a sub-bullet of Sustainability]

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Status of the Thatcham Strategic Growth Study
Section/paragraph:	6.54, 6.63
Policy:	SP17, first paragraph
Appendix:	
Policies Map:	
Other:	Statement of Community Involvement Thatcham Strategic Growth Study

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

Policy SP17 states:

“The Thatcham Strategic Growth Study provides guiding principles for the delivery of the site therefore proposals will demonstrate that these guiding principles have been positively responded to.”

As discussed in another representation by Thatcham Town Council, the word “will’ has many different meanings, and this sentence is completely ambiguous. The sentence only carries any weight if it is intended as a requirement – if it is merely an aspiration, it has no place in a strategic policy. Therefore, the word ‘will’ in this sentence **MUST** be replaced by “must”.

This sentence therefore means that the Thatcham Strategic Growth Study is incorporated by reference into Policy SP17. However, West Berkshire Council states:

“The Thatcham Strategic Growth Study (TSGS) is a consultant’s report commissioned by the Council. The Council has commissioned consultants to provide evidence in relation to various issues that relate to the local plan and all of these can be viewed on the Council’s website.”

It is therefore neither a development plan document nor a supplementary planning document. It was not formally part of the Regulation 18 consultation, and only forms part of the supporting evidence to the Regulation 19 Consultation. It has not been approved by any meeting of West Berkshire Council nor, as far as we are aware, through delegated authority. This is demonstrated by the saved web pages for the Regulation 18 consultation, which are provided Attachments 1 and 2 to the Town Council’s representations.

The Thatcham Strategic Growth Study is an integral part of the draft Local Plan through incorporation by reference in Policy SP17, but and is not formally part of the Regulation 19 consultation. Policy SP17 therefore is not legally compliant with the requirements of Regulations 18 and 19 of ‘The Town and Country Planning (Local Planning) (England) Regulations 2012’. It therefore also does not comply with the Statement of Community Involvement.

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

Paragraph 16 of the NPPF (July 2021) states that: "Plans should: d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals".

Policy SP17 states:

"The Thatcham Strategic Growth Study provides guiding principles for the delivery of the site therefore proposals will be required to demonstrate that these guiding principles have been positively responded to."

This sentence is totally unclear and ambiguous, for three reasons:

- (i) There is no section of Thatcham Strategic Growth Study titled "Guiding Principles", and no section that could reasonably be identified as containing them. This study is effectively the set of ideas by one consultancy about one possible configuration for a development at North East Thatcham.
- (ii) The Study was based on a development of 2500 dwellings, and it is totally unclear how it might be applied to a development of 1500 dwellings – which aspects would be different and which would be unchanged.
- (iii) The phrase "positively responded to" is completely meaningless in planning terms.

As a result of this lack of clarity and ambiguities, a developer could claim that almost any proposed development meets the requirements of this sentence in Policy SP17.

Paragraph 6.63 of the supporting text to the policy contradicts paragraph 6.54:

"6.54 In reviewing the vision for Thatcham as part of the LPR, and to best understand how to plan for growth in Thatcham within the plan period, the Council commissioned masterplanning work (Thatcham Strategic Growth Study (TSGS) 2020)."

"6.63 Further detailed work will be required to develop a coherent masterplan or development framework to take the development forward, which will be produced in collaboration with the community and other stakeholders".

It therefore appears that West Berkshire Council believes that the Thatcham Strategic Growth Study is not coherent, and is inadequate to take the development forward. It is therefore unsound, because it does not comply with paragraph 16 of the NPPF.

Paragraph 1.10 of the Thatcham Strategic Growth Study Stage 3 report mis-represents the involvement of Thatcham Town Council in the "community representatives' workshop". A limited number of places in this workshop were offered to the Town Council, with no advance information of

its purpose or participatory nature. Under the legislation governing Town and Parish Councils, individual Councillors can only 'represent' the Council if specifically mandated by a Committee (there is no equivalent to the scheme of delegation for Principal Authorities). Therefore, the Councillors who attended the workshop were participating in an individual (albeit informed) capacity. The Councillors who attended did not agree with some of the assumptions specified for the 'interactive masterplanning session'. The Town Council has requested that this be corrected, but this has not been done.

Paragraph 6.59 of the draft Local Plan is therefore also misleading to claim that "community objectives which emerged during a community stakeholder workshop".

The Town Council's representations to the Regulation 18 Consultation highlighted a number of errors and misleading statements in the Thatcham Strategic Growth Study – for example the incorrect assertion that "enhancement of a 3G pitch at Henwick Worthy would contribute approximately an additional 1ha of sports pitches towards the NE Thatcham total". In fact, the Henwick Worthy site is already fully utilised, and any 3G pitch would replace an existing grass one.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

As proposed in another representation by Thatcham Town Council, the word "will" in the first paragraph of Policy SP17 **MUST** be replaced by "must".

"The Thatcham Strategic Growth Study provides guiding principles for the delivery of the site therefore proposals ~~will~~ must demonstrate that these guiding principles have been positively responded to."

In order to make the Local Plan review legally compliant, the Thatcham Strategic Growth Study needs to be reviewed for a development of 1500 dwellings, and the resulting 'guiding principles' then need to be incorporated into the draft Local Plan or a supplementary planning document. This then needs to undergo public consultation in accordance with the Statement of Community Involvement.

This cannot be achieved through modification at examination.

It is clear that the Local Plan is therefore "not ready for independent examination". Therefore, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004, West Berkshire Council must not submit it to the Secretary of State for examination.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Landscape Capacity Assessment
Section/paragraph:	
Policy:	SP17
Appendix:	
Policies Map:	
Other:	

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		

Please give reasons for your answer:

The evidence base for this Regulation 19 consultation includes a total of 33 Landscape Capacity Assessments prepared between 2020 and 2022. 32 of these reports were prepared by Liz Allen EPLA on behalf of West Berkshire Council. The exception is the 'Landscape Sensitivity & Capacity Assessment for Land North East of Thatcham', which was undertaken on behalf of David Lock Associates by Lloyd Bore Ltd (paragraph 2.1).

The report states that David Lock Associates are "planning consultants appointed to West Berkshire Council". This is correct, because they undertook the Thatcham Strategic Growth Study for the Council. However, it DOES NOT say that West Berkshire Council commissioned or funded the Landscape Capacity Assessment, and we have reason to believe that it did neither.

Paragraph 2.12 of the report includes a curious statement:

"The project brief requires the visual sensitivity of the study site to be considered as a single tract of landscape, and for the site not to be broken down into individual parcels of land."

It is difficult to understand why this should be an explicit requirement of the study.

David Lock Associates has a potential conflict of interest in relation to this study; it had already pre-determined its view on the capacity of this site through undertaking the Thatcham Strategic Growth Study for 2,500 dwellings, which was funded by the proponents of the site. Requiring the Landscape Capacity Assessment not to be broken down into individual parcels of land masks the proportion of the site that is suitable for development, and therefore its capacity.

Paragraph 1.12 of the report in the section 'Determination of Landscape Capacity within the Site' states:

"Because the project brief requires the sensitivity of the study site to be assessed as a single tract of landscape, rather than broken down into sub-components, no attempt has been made to plot variability of landscape capacity within the study site boundary, although it is clear that variability is present and is a constraint that should inform design. It will be down to individual applicants to assess the capacity of individual components of the site in relation to individual planning proposals, should the land be brought forward for development."

The statement in the second sentence is true for West Berkshire Council as well as applicants.

The conclusion of the report, given in paragraph 1.7, is:

"Having followed the template methodology, and made judgements concerning landscape and visual sensitivity, wider landscape sensitivity and landscape value, this exercise has concluded that overall the study site THA20 has a Medium Capacity. This is defined in the methodology as follows: 'The landscape could accommodate areas of new development in some parts, providing it has regard to the setting and form of existing settlement and the character and sensitivity of adjacent landscape character areas. There are landscape and visual constraints and therefore the key landscape and visual characteristics must be retained and enhanced.'"

This is obviously inadequate to assess whether the site does indeed have a capacity of 1,500 dwellings, or how they can be distributed across the site.

West Berkshire Council has commissioned studies of landscape capacity for a substantial part of this site in relation to a planning appeal for a previous application for Siege Cross. The summary of Statement of Case of West Berkshire Council's expert witness on landscape highlights the challenges and constraints of development of this site, and is provided as Attachment 3.

This document is available online at:

<http://planning.westberks.gov.uk/rpp/showimage.asp?j=15/00296/OUTMAJ&index=1175645>

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

West Berkshire Council needs to commission a Landscape Sensitivity and Capacity Assessment that provides enough information about variability of landscape capacity across the site and its sub-components to inform a Landscape and Visual Impact Assessment (LVIA) for the site and to assess its total capacity.

The wording of Policy SP17 needs to be amended as follows:

The LVIA will be informed by a Landscape Sensitivity and Capacity Assessment that considers variability of landscape capacity across the site ~~the Landscape Sensitivity Assessment (2021) of the site.~~

(added text is underlined; deleted text is struck through)

Until there has been a quantitative Landscape Capacity Assessment for the site, Policy SP17 should not specify a number of dwellings.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Deficit of Social Infrastructure for Thatcham
Section/paragraph:	6.52 and 6.53
Policy:	SP17
Appendix:	
Policies Map:	
Other:	Sustainability Appraisal Appendix 5

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

The regeneration of Thatcham Town Centre and the provision of social infrastructure in the town are recognised as important in policy SP17 – i.e. their economic and social impacts are greater than the criterion of ‘significant’ in the Government Guidance “Strategic environmental assessment and sustainability appraisal”. These should therefore have been considered specifically in the Sustainability Appraisal.

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		✓
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		

Please give reasons for your answer:

The current Local Plan states in the introduction to Policy Area Delivery Plan Policy 3:

“Thatcham town centre will be a focus for regeneration, enabling the town to fulfil its role within the District’s Hierarchy of Centres by improving the retail offer and enhancing the streetscape. The provision of leisure and community facilities for all ages will be improved and encouraged within the town centre.”

The policy itself includes the following objectives:

- Thatcham’s services and facilities will be improved allowing the town to fulfil its role within the District Settlement Hierarchy and the Hierarchy of Centres, serving the local population, not only within Thatcham, but also the surrounding rural areas.
- The town centre will be regenerated with the redevelopment of the Kingsland Centre driving this improvement, providing an attractive shopping environment and enhanced retail offer. This redevelopment is proposed to deliver approximately 17,200 sq.m of new floorspace in a mix of uses including, among others, retail, residential, office and community space.
- The streetscape and public realm throughout the town will be improved, along with upgrades to the A4/Bath Road corridor, all of which are vital to enhancing Thatcham’s image.
- The range of leisure facilities within Thatcham will be expanded, utilising those at the existing Newbury Leisure Park on Lower Way, and optimising opportunities for leisure within the town centre through any future regeneration projects.

The Infrastructure Delivery Schedule (2013) includes the following:

- A new library is ‘necessary’ as ‘Library needs to be about 900 sq.m larger than current provision’, at a cost of £3,700,000.

However, none of this regeneration has materialised, no new developments have materialised, and the Newbury Leisure Park has closed.

Area Delivery Plan Policy 3 from the current Local Plan is provided as Attachment 4 to these representations.

The draft Local Plan states:

6.52 Thatcham has experienced rapid population growth during the post-war period, expanding more than 5 times since 1951. This growth has been accompanied by infrastructure growth in transport, and a considerable expansion in the built-up area to match the population growth. **However, in recent decades, the provision of social infrastructure has not kept pace with housing growth.**

6.53 The vision for Thatcham contained in the Core Strategy DPD (2012) was that Thatcham town centre would be a focus for regeneration, **enabling the town to fulfil its role within the District’s Hierarchy of Centres by improving the retail offer and enhancing the streetscape.** The provision of leisure and community facilities for all ages would be improved and encouraged within the town centre. The town would become more self-contained providing a range of job opportunities and encouraging residents to shop and socialise locally.

In the January 2023 Infrastructure Delivery Plan, the new library has been replaced by ‘A new library / community hub building in Thatcham £1.2M’, with no indication on when this might materialise. The only other significant proposed infrastructure developments for Thatcham are related specifically to the North East Thatcham development.

During the current plan period, the town will have grown by several hundred dwellings due to non-strategic development. However, none of the ‘focus of regeneration’ has materialised, and if anything has degenerated – the Kingsland Centre has not been redeveloped, the Newbury Leisure Park has closed, and the library might benefit from a disabled toilet. There have been no other significant compensating enhancements.

The premise of Policy SP17 that Thatcham is able ‘to fulfil its role within the District’s Hierarchy of Centres’ is fundamentally flawed.

Policy SP17 and its assessment in Appendix 4 of the Sustainability Appraisal either incorrectly assess or ignore the current level of provision of social infrastructure in Thatcham, and therefore cannot have assessed ‘the area’s objectively assessed need’. Policy SP17 is therefore not Positively

Prepared. Policy SP17 also cannot be based on proportionate evidence, and is therefore not Justified.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

There needs to be a clear policy for the regeneration of Thatcham, and in particular its social infrastructure. This needs to include a schedule of what must be completed in advance of any further housing development or at specified stages of construction. This could be either a distinct part of Policy SP17 or a separate policy.

The Infrastructure Delivery Plan is not sufficiently robust for this purpose. It is described as a 'living document', and therefore any proposed infrastructure that it includes can 'die' at the discretion of the Council without any need for public consultation.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Provision for secondary education is not viable
Section/paragraph:	
Policy:	SP 17
Appendix:	
Policies Map:	
Other:	Sustainability appraisal Infrastructure Delivery Plan (January 2023)

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

The viability of the provision of Secondary Education should have been considered as part of the Sustainability Appraisal for Policy SP17.

Education and skills is identified in the Sustainability Appraisal as a 'Key sustainability issue' under the social category. The single sentence in Appendix 5 is clearly not an adequate assessment, and appears to have been written without any consideration of the specific proposals within Policy SP17:

"The policy is likely to have a positive impact on accessibility community services and facilities, including education provision, health care provision and other services/facilities".

The Sustainability Appraisal is clearly not legally compliant, because it does not appraise for Policy SP17 what has been identified as a key issue for sustainability.

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		✓
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓

Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓
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Please give reasons for your answer:

Policy SP17 in the Regulation 18 emerging draft Local Plan (2020) stated:

“Development of the site will be expected to deliver: A new secondary school (8FE) and the sports infrastructure requirements of that school.”

However, in Policy SP17 of the Regulation 19 consultation, this has been reduced to:

“The site will provide: Secondary provision - Land to meet the impact of the development. The nature and cost of the mitigation will be informed by a feasibility study, undertaken at the applicants expense and prepared in collaboration with the Council and local stakeholders;”

The Thatcham Strategic Growth Study states:

“Although the development would only generate sufficient pupils for a 4FE secondary school, any development in Thatcham requires provision of more secondary capacity. When secondary education is looked at in the context of Newbury and Thatcham catchments and growth combined, a 6-8FE secondary is likely to be necessary. Planned strategic development at this scale is the only approach that is likely to deliver an additional secondary school for the town, without which any growth would cause issues in provision.”

If a development of 2,500 dwellings would ‘generate’ sufficient pupils for a 4FE secondary school, then a development of 1,500 dwellings would only generate sufficient pupils for 2.5FE. Therefore the statement in the Regulation 19 Policy SP17 is equivalent to providing land sufficient for a 2.5FE Secondary School. This is below the minimum viable size for a Secondary School.

The West Berkshire Council School Places Plan 2010 states (paragraph 1.24):

“In respect of major new housing developments and where the indicated pupil numbers warrant, the Council’s policy is that: where developments are large enough to yield viable secondary school, a six form entry secondary school will be considered as a minimum requirement, where this will not create surplus places”

This is provided as Attachment 5, and is available online at: (retrieved 20/02/2022)

The Department for Education’s ‘A guide to new mainstream free school revenue funding 2022 to 2023 (June 2022)’ states (page 5):

“The department will need assurance that free schools are on-course to be financially viable on opening. In order to provide a sustainable, broad and balanced curriculum, there is a presumption that ... secondary provision (years 7 to 11) have a minimum of 4 forms of entry of 30 pupils (total of 120). Financial plans are not expected to be based on fewer pupil numbers unless otherwise agreed with the department.”

This is provided as Attachment 6, and is available online at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1081008/A_guide_to_new_mainstream_free_school_revenue_funding_2022_to_2023.pdf

The provision in SP17 for “Secondary provision - Land to meet the impact of the development” cannot lead to the implementation of a viable secondary school. It is inconsistent with West Berkshire Council’s own policy for secondary education, and would not receive funding from Government.

The Town Council notes Policy SP17 also states that “proposals will demonstrate that these guiding principles [of the Strategic Growth Study] have been positively responded to, and that this states that “a 6-8FE secondary is likely to be necessary”. The two provisions of Policy SP17 are therefore contradictory.

Thatcham is served by two secondary schools: Kennet School for the east of the town and Trinity School in Newbury for the west of the town. We understand that both schools are currently at full capacity, and Trinity School may in addition need to accept pupils from the North Newbury development that is currently under construction. The site of Kennet School is constrained, and incapable of expansion. There is no capacity in these schools to serve the expected number of secondary pupils of the proposed development.

The Strategic Growth Study estimated the provision of a secondary school would cost £26.4 million, which forms part of the £48,187,805.00 provision in the Infrastructure Delivery Plan of October 2021 for secondary education places (including both NE Thatcham and Sandford Park). However, the Infrastructure Delivery Plan of January 2023 only has a figure of £5,027,613. This cannot be the cost of a new secondary school, but might relate to the cost of provision for secondary pupils from non-strategic sites. The Infrastructure Delivery Plan is therefore inconsistent with Policy SP17, and the policy is silent on how the building costs for a secondary school would be funded.

Policy SP17 therefore does not meet the requirements of Paragraph 95 of NPPF.

Policy SP17 is therefore completely unsound in relation to provision of secondary education.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

It is clear that the SP17 development will not create a sufficient number of secondary pupils to support a viable secondary school solely for the development. West Berkshire Council therefore needs to review the provision of secondary education in the light of developments currently under construction in the Newbury and Thatcham area and those proposed in the draft Local Plan. A key element of this review must include consultation with the Academy Trusts for the two local secondary schools.

The Department for Education has published guidance on “Securing developer contributions for education (November 2019)”, which provides helpful advice on ‘Safeguarding land for schools’. Paragraph 23 is especially relevant to the development of a Local Plan:

“You may wish to safeguard additional land when new schools within development sites are being planned, to allow for anticipated future expansion or the reconfiguration of schools to create a single site. ‘Future-proofing’ can sometimes be achieved informally through a site layout that places open space adjacent to a school site. Where there is a forecast need for new school places that is not linked exclusively to a particular development, the development plan can allocate specific areas of land for new schools or school expansion, and safeguard specific parcels of land within wider development sites for education use. Safeguarded land within larger site allocations can be made available for purchase by the local authority within an agreed timescale, after which the land may be developed for other uses.”

This could be achieved through the addition to the Policies Map of a specific category of “Land Safeguarded for Education”, which reserves sufficient area for a viable secondary school. As the catchment area of this school is likely to include parts of Thatcham, and possibly Bucklebury and Cold Ash, the optimum location for this is likely to be at the western end of the development.

This guidance is provided as Attachment 7, and is available online at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/909908/Developer_Contributions_Guidance_update_Nov2019.pdf

To make the Local Plan Review sound, it must include the provisions for a viable secondary school. The specific nature of these provisions will depend on the outcome of the review called for above, which forms part of the required scope of the Sustainability Appraisal.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Primary healthcare provision is not viable
Section/paragraph:	1.22
Policy:	SP17
Appendix:	
Policies Map:	
Other:	Duty to Cooperate Statement

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

The viability of the proposed GP surgery should have been considered as part of the Sustainability Appraisal for Policy SP17.

Healthcare is identified in the Sustainability Appraisal as a 'Key sustainability issue' under the social category. The single sentence in Appendix 5 is clearly not an adequate assessment, and appears to have been written without any consideration of the specific proposals within Policy SP17:

"The policy is likely to have a positive impact on accessibility community services and facilities, including education provision, health care provision and other services/facilities".

The Sustainability Appraisal is clearly not legally compliant, because it does not appraise for Policy SP17 what has been identified as a key issue for sustainability.

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓

Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓
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Please give reasons for your answer:

Thatcham Town Council questions whether the '450 sq. metres GP Surgery' proposed for North East Thatcham in Policy SP17 is large enough to be viable, given the increasing range of NHS healthcare services being provided through primary care.

We are concerned that the Duty to Cooperate Statement makes no mention of any discussions between West Berkshire Council and the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board, or its predecessor the West Berkshire Clinical Commissioning Group, given that SP17 says that it will be offered to it.

We understand that that a facility of this nature requires the preparation of a Health Impact Assessment (HIA) in accordance with the current guidance from Public Health England. While this assessment may not be a requirement at this stage, it would be prudent for West Berkshire Council to make such an assessment before specifying the size of a surgery in the draft Local Plan. If it transpires that 450 sq.metres is sub-scale, there is a risk either that it will be built but never adopted by a GP practice, or that a developer will decline to build the larger facility that is necessary.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes No

Please give reasons for your answer:

Section 33A of the Planning and Compulsory Purchase Act 2004 states:

Duty to co-operate in relation to planning of sustainable development

(1) Each person who is—

(a) a local planning authority,

(c) a body, or other person, that is prescribed or of a prescribed description,

must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising the effectiveness with which activities within subsection (3) are undertaken.

(2) In particular, the duty imposed on a person by subsection (1) requires the person—

(a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and

(b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).

and Paragraph 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012 states:

Duty to co-operate

4. (1) The bodies prescribed for the purposes of section 33A(1)(c) of the Act are —

(g) each Primary Care Trust established under section 18 of the National Health Service Act 2006 or continued in existence by virtue of that section;

Primary Care Trusts were replaced in 2013 by Clinical Commissioning Groups, and these were replaced on 1st July 2022 by Integrated Care Systems – in this case, the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board.

Paragraphs 4.30 and 4.32 of the 'West of Berkshire Area Statement of Common Ground for Local Plan-Making (August 2021)', which is part of the 'Duty to Cooperate Statement January 2023'

identify primary health care as falling within the Duty to Cooperate.

Paragraphs 5.31 to 5.34 of the Duty to Cooperate Statement address Health. However, they only discuss health and wellbeing in the community in general terms, in relation to draft Local Plan policy DM3.

There is no mention in the Duty to Cooperate Statement of primary healthcare. In particular, there is no mention of cooperation with the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board in relation to the proposal for a 450 sq. metres GP Surgery that would be offered to it.

The Council has therefore failed to comply with its legal duty to cooperate with the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board, or its predecessor the West Berkshire Clinical Commissioning Group.

This proposed surgery is not mentioned in the Infrastructure Delivery Plan (January 2023).

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).

The draft Local Plan cannot be adopted until West Berkshire Council has received confirmation from the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board that the proposed GP Surgery meets its requirements.

If the Local Plan is submitted for examination before that has happened, it would need to be rejected through non-compliance with the Duty to Cooperate.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Separation of Settlements around Newbury and Thatcham
Section/paragraph:	9.13
Policy:	DM2
Appendix:	
Policies Map:	
Other:	Appropriate Countryside Designation Study

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development	✓	
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence	✓	✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground	✓	
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF	✓	

Please give reasons for your answer:

Thatcham Town Council welcomes and supports Policy DM2 Separation of Settlements around Newbury and Thatcham, and believes that it is generally sound. In particular, it supports the inclusion of the following separations between settlements in the Policy:
c. Land between Newbury and Thatcham

- d. Land between Thatcham and Cold Ash
- e. Land between Thatcham and Ashmore Green

(Thatcham Town Council does not have a view on items a. and b. which relate to Newbury)

However, the Town Council believes that the omission of 'land between Thatcham and Bucklebury' from this Policy is inconsistent with the evidence. This specific aspect of the Policy is not based on proportionate evidence, and is therefore unsound.

The gaps that are defined in Policy DM2 are based on the Appropriate Countryside Designation Study (Arup, 21 November 2022), and particularly on the analysis in Appendix C – Parcel Proformas, which is summarised in Section 7 of the report.

In this analysis, the 'Land between Thatcham and Bucklebury' (parcel 6 in the study) 'Land between Thatcham and Cold Ash' (parcel 7 in the study) are given identical scores in the Green Belt Assessment. However the assessment summaries for the two sites are diametrically opposed:

For 'Land between Thatcham and Cold Ash' and 'Land between Thatcham and Ashmore Green':

"The land between Thatcham and Cold Ash and Thatcham and Ashmore Green (as shown on the map below) are essential gaps and on this basis are recommended for potential Green Gap designation."

For 'Land between Thatcham and Bucklebury':

"As existing, this parcel provides a 'wider gap' between Thatcham and Upper Bucklebury where there may be scope for development but where the overall openness and the scale of the gap is important to restricting merging.

The proposed North East Thatcham strategic allocation is, however, included in this parcel. As noted in Chapter 4 the issue of the allocations proposed in the Emerging LPR is assumed to be potentially open. Given that a masterplan has yet to be produced for the North East Thatcham site which would identify which areas of it would be proposed as green infrastructure/green space, it is not possible to provide a further assessment of the gap at this time."

The specification for the Appropriate Countryside Designation Study (which forms part of the tender documentation for this project) included the following considerations (these are copied in full below):

- The successful candidate will be expected to propose strategic designations and policy suggestions that ... anticipate changing circumstances over a long term period.
- The work should support other relevant policies contained in the LPR.
- High level masterplanning work for the North East Thatcham site (the Thatcham Strategic Growth Study) has already been produced and this can contribute to this work.

Therefore, the results of the study for 'Land between Thatcham and Bucklebury' were pre-determined by the 'considerations' for the study. The conclusions of the Appropriate Countryside Designation Study that led to the omission of the gap between Thatcham and Bucklebury from Policy DM2 are not based on proportionate evidence in the study. The description of the exclusion of this gap from Policy DM2 that is described in paragraph 9.13 is therefore unsound.

West Berkshire Green Wedge, Gap or Belt Study between Newbury and Thatcham

Considerations

- 4.1 The successful candidate will be expected to propose strategic designations and policy suggestions that are strong and defensible at appeal while also being effective in their use and implementation and should anticipate changing circumstances over a long term period. The work should support other relevant policies contained in the LPR.
- 4.2 High level masterplanning work for the North East Thatcham site (the Thatcham Strategic Growth Study) has already been produced and this can contribute to this work. In addition a Landscape Sensitivity and Capacity Assessment has been undertaken for this site. This has not been published online, but can be made available to the successful tender.
- 4.3 There is also vision for Thatcham which will build on this work and will set out the strategic direction of development in the town over the next 30 years versus the more local vision for the

town, although it is not complete yet.

4.4 While town centre visioning work has been done for Newbury and can be taken into account, equivalent work to the Thatcham Strategic Growth Study does not exist. The visioning work (being undertaken by Iceni) for Newbury will again set out the strategic direction of development over the next 30 years versus the more local vision for the town, but is not complete yet.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

The following text should be added to policy DM2:

“f. Land between Thatcham and Bucklebury.”

The resulting consequential changes then need to be made to Policy SP17.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	
Section/paragraph:	7.55
Policy:	Policy SP24: Infrastructure Requirements and Delivery
Appendix:	
Policies Map:	
Other:	Infrastructure Delivery Plan

2. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		✓
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

The Infrastructure Delivery Plan (IDP) is fundamental to the successful delivery of the objectives of the Local Plan – in particular ensuring that provision of infrastructure is aligned with growth in housing. In the Local Plan, the IDP is defined in Policy SP24.

Other representations by the Town Council have highlighted that some key items of infrastructure required for the North East Thatcham development in SP17 are missing from the IDP update of January 2023. Major current infrastructure projects such as the redevelopment of the Newbury Lido are also missing, while some of the items in the IDP are not infrastructure projects at all - for example, the last two items on 'Woodlands and Hedgerows' and 'Rights of Way and Bridleways', which appear to be part of a CIL charging schedule.

The first 57 out of the 69 pages of the January 2023 IDP are completely superfluous to its purpose as described in paragraph 7.55 of the draft Local Plan – and most if that is cut-and-paste from the local plan.

Paragraph 11 of NPPF states: "Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that all plans should promote a sustainable pattern of development that seeks to ... align growth and infrastructure..."

It is clear that the current Policy SP24 does not achieve the alignment of growth and infrastructure, because essential items of infrastructure in strategic policies for housing are not included in the IDP for the Regulation 19 Consultation.

Paragraph 20 of NPPF states: Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for ... infrastructure for transport, telecommunications, security, waste management, water supply, wastewater [and] flood risk; community facilities (such as health, education and cultural infrastructure);

Strategic Policy SP24 aims to deliver the sufficient provision of infrastructure through the IDP, but clearly does not at present achieve this.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

Policy SP24 should define the responsibility within the Council for the maintenance of the IDP (including ensuring that it stays aligned with the pace of housing development) and the frequency with which it is reviewed.

We suggest that the IDP would be easier to maintain and update if it is a spreadsheet (as is recommended by the Local Government Association and implemented by many Local Authorities). This would inherently remove the superfluous introduction.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	The Duty to Cooperate Statement is described as interim
Section/paragraph:	
Policy:	
Appendix:	
Policies Map:	
Other:	Duty to Cooperate Statement (January 2023)

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes No

Please give reasons for your answer:

We were surprised to find that the Duty Cooperate Statement for the Regulation 19 consultation has the filename 'LPR_Interim_DtC_Statement_(January_2023).pdf'. Several places in the document suggest the intention to modify before submission for examination, for example:

5.29 While the LPR is out for Reg 19 consultation, we will work together towards a statement of common ground between West Berks and National Highways, ready in time for the Examination stage of the LPR. We will continue our collaboration with National Highways as the Local Plan gets finalised. The ideal situation is that at examination we have an agreed statement of common ground confirming there are no issues flowing from our proposals from National Highways' point of view; and, they are content with our approach and methodology of assessment / modelling.

5.38 Water and drainage are considered across the district at a strategic level and the close work with Thames Water is highlighted who supply both the water and collect and treat waste water across the district. This work will continue as the Local Plan is progressed and proposals for development are firmed up with more certainty.

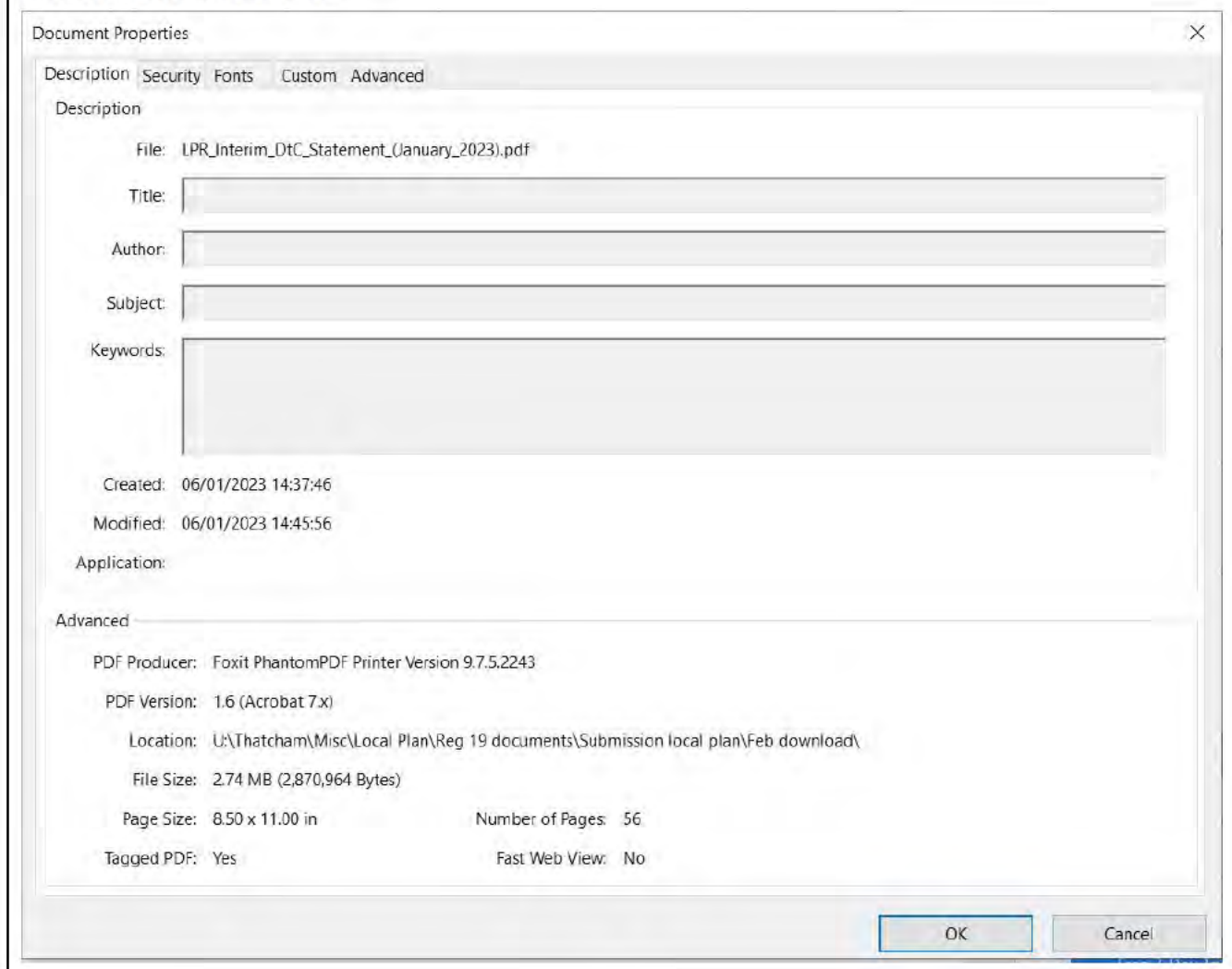
5.44 The approach to Habitats Regulations Assessment (HRA) has been developed in conjunction with Natural England and they agreed with our initial screening opinion and the final HRA document has been developed following that screening. We have requested entering to a statement of common ground with Natural England and will continue to work with them on this topic.

This Interim Duty to Cooperate Statement is presumably a 'proposed submission document' under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012. It therefore cannot be modified after the Regulation 19 Consultation, because all proposed submission document must have been available for inspection during the consultation period.

Therefore, if the Duty to Cooperate Statement is modified after the consultation period, as appears from its filename and content to be the intention, the amended document would not be legally compliant with Regulation 19.

As the document does not include any 'version control' information, the pdf document properties of the version for Regulation 19 consultation are copied below, so that the correct version can be

confirmed at Examination:



2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

Paragraph 27 of NPPF states:

“In order to demonstrate effective and on-going joint working, strategic policy-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. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.”

We are not aware of the Duty to Cooperate Statement (and therefore the Statement of Common Ground that it contains) having been made available prior to 6th January 2023 (the previously intended start date of the Regulation 19 Consultation). Paragraph 5.29 suggests that a Duty to Cooperate Statement will be provided at examination that has not been available during the Regulation 19 consultation.

Neither of these provide any transparency to the public during the plan-making process.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

The Examination must consider the version of the Duty to Cooperate Statement that was available during the Regulation 19 Consultation

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	West Berkshire Strategic Vision 2050
Section/paragraph:	1.26, 4.5
Policy:	
Appendix:	
Policies Map:	
Other:	The three reports by Icen Projects Ltd: - West Berkshire Vision – Local Plan Review; Baseline Report - Newbury & Thatcham – Socio-economic baseline & property market assessment - West Berkshire Strategic Vision 2050

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes No

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

The revision of the NPPF in July 2021 introduced a new requirement into paragraph 22:

“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.”

West Berkshire Council concluded that this change required it to pause the Regulation 19 consultation of the Local Plan in order for it to undertake additional work to support this new requirement. The press release announcing this is reproduced below.

West Berkshire Council then commissioned Icen Projects Ltd to undertake this work. The specification for this project describes it as follows (the full specification is Attachment 8 to these representations):

“West Berkshire District Council (WBDC) wishes to procure consultancy services to deliver focussed visioning work for two settlements to support the Local Plan Review (LPR) 2021 - 2037; Newbury where the strategic site Sandleford (circa 1,500 dwellings) is proposed and Thatcham where the strategic site, North East Thatcham (circa 2,500 dwellings) is proposed.

The visioning will support the spatial strategy for the West Berkshire LPR.”

The three reports by Icen Projects form part of the Evidence Base for the Local Plan Review:

- West Berkshire Vision – Local Plan Review; Baseline Report
- Newbury & Thatcham – Socio-economic baseline & property market assessment
- West Berkshire Strategic Vision 2050 (though this is missing its Appendix 1 and 2)

The two baseline reports contained significant errors and shortcomings. Town Councillors spent a considerable time reviewing these documents, and the Council provided detailed corrections and comments to Icen (this is provided as Attachment 9 to these representations). However, neither document has been updated. The most obvious error is that the statement “Thatcham is an historic market town approximately 3 miles west of Newbury” (rather than east). This is such an obvious error that it suggests that these documents were not properly reviewed either by Icen or West Berkshire Council.

Since the report was commissioned, the definition of the number of dwellings for North East Thatcham has changed, but it is clear that it is still a significant extension to an existing town (as also is Sandleford Park). The inclusion of these reports by West Berkshire Council in the evidence base indicates that it believes that the new provision in paragraph 22 of NPPF is still applicable.

However, there is no mention whatsoever of this visioning work in the Local Plan Review Proposed Submission (January 2023). Nothing in this document looks beyond the end of the next plan period in 2039. Paragraph 1.26 explicitly states this:

“1.26 The LPR includes a vision, strategic objectives and a set of policies which together provide a policy framework for assessing planning applications and guiding development across West Berkshire. It is set out as follows:

... Our Vision of what West Berkshire will look like in 2039...”

The Icen reports are also not mentioned in Paragraph 4.5 “Key pieces of evidence” for the “Development Strategy: Our place based approach” – i.e. the spatial strategy.

It therefore appears that the Vision 2050 study was commissioned as a ‘tick-box exercise’, to give the token appearance of compliance with NPPF Paragraph 22, rather than to provide a basis for the development of policies within the plan.

Therefore, Local Plan Review Proposed Submission (January 2023) cannot as a whole be in compliance with Paragraph 22 of NPPF.

As the Appendices to the West Berkshire Strategic Vision 2050 are missing from the evidence base for the Regulation 19 consultation, the detailed comments made by Thatcham Town Council in response to the survey by Icen are provided as Attachment 10.

Council obliged to postpone local plan review

The Government announced changes to the National Planning Policy Framework (NPPF) on 20 July.

Posted by: Communications
on 18 August 2021

Issued on: 18 August 2021.

These changes, which were made without notice, have significant implications for the West Berkshire District Local Plan Review. The current Review, prepared under the previous NPPF requirements, sets out planning policies and proposals to guide development up to 2037, but under the changes West Berkshire Council is now required to prepare a Local Plan detailing a 30-year vision.

The Council has sought independent legal advice and it is clear that additional work will be needed to support the new requirements, and consequently the Council has no alternative but to delay production of the current Local Plan Review.

Further, and as a result of the changes required and the legal advice sought, the planned extraordinary meeting of the Council in October, which had been intended to seek approval for a pre-submission version of the West Berkshire District Local Plan Review Document, and consequent consultation, will now not take place.

Cllr Richard Somner, Executive Member for Planning, Transport and Countryside at West Berkshire Council, said:



"This is hugely disappointing news. West Berkshire prides itself on being a plan-led authority, and we have worked hard to prepare a plan that would pass muster with a Planning Inspector in order to continue to protect the District against speculative development.

"The Government consulted on a possible requirement for Local Plans to include a 30-year vision some months ago, but the consultation related to new settlements only (and we responded along with many other local authorities). The Government has produced no feedback on the consultation, and we had no advance warning of this fundamental change in the NPPF. Worse still, no guidance has been published alongside the changes to the NPPF to explain what local authorities need to do to meet this new requirement - it is merely promised at some stage in the future.

"Our legal advice is clear that we have no choice but to delay our Plan.

"This does not mean that policy-led planning has stopped in West Berkshire and we continue to have robust policies and an adequate pipeline of housing supply. However, this sudden change in stance means that we need to take stock of the implications of these Government imposed changes on the Local Plan Review and then proceed as we deem appropriate."

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

Paragraph 22 requires that policies should be set within a vision that looks further ahead (at least 30 years)” and this ‘setting’ is totally absent from the Local Plan Review Proposed Submission (January 2023).

To remedy this requires a review of many of the policies within the document, which is beyond what can be addressed through modification at examination.

It is clear that the Local Plan is therefore “not ready for independent examination”. Therefore, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004, West Berkshire Council must not submit it to the Secretary of State for examination.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Settlement boundary for North East Thatcham
Section/paragraph:	6.59 and map on page 65
Policy:	SP17
Appendix:	Appendix 2: Settlement Boundary Review
Policies Map:	Settlement boundary for SP17
Other:	Settlement Boundary Review (SBR): December 2022

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes No

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

Appendix 2 of the draft Local Plan defines Settlement Boundaries as follows: “They identify the main built up area of a settlement within which development is considered acceptable in principle, subject to other policy considerations.”

This definition creates a presumption in favour of development unless this would conflict with policies within the Local Plan.

The area for housing will in any case need to be reduced from what was envisaged in the Strategic Growth Study, in order to deliver the housing densities defined in the West Berkshire Density Pattern Book. The settlement boundary needs to reflect this.

Appendix 2 states that “Boundaries will exclude: Recreational or amenity open space which extends into the countryside or primarily relates to the countryside in form and nature. This includes designated Local Green Space.” The map on page 65 shows three areas of “Country Park / Public Open Space” adjacent to the ‘site boundary’. These are clearly ‘recreational or amenity open space’ – so must be outside the settlement boundary. However, there is no supporting evidence to support their location and size – so their position on the map must be considered at present to be indicative.

Paragraph 6.58 of the draft Local Plan states: “The new revised settlement boundary will be defined following the studies and work identified in the policy at the application stage.”

The ‘red line’ boundary map of the map on page 65 of the draft Local Plan is described as the “North East Thatcham Site Boundary” – i.e. the boundary of site THA20. However, this same boundary has been incorrectly transferred to the Policies Map and shown in map 46: Thatcham E of the Settlement Boundary Review paper as the settlement boundary.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

The term “settlement boundary” is not used in legislation or Government guidance on planning. There is therefore no requirement for a site allocation in a Local Plan to fall within a settlement boundary. It is clearly premature to specify any new settlement plan, and incompatible with paragraph 6.58 of the draft Local Plan.

The map on page 65 of the draft Local Plan provides a way forward, because it shows the boundary of the site, rather than the settlement boundary:

(i) Paragraph 6.58 needs to be modified as follows: “The new revised settlement boundary will be defined within the ‘North East Thatcham Site Boundary in the accompanying map,’ following the studies and work identified in the policy for a development of at most approximately 1,500 dwellings at the application stage. The settlement boundary will exclude any country park or public open space on the edge of the development”

(added text is underlined)

(ii) The settlement boundary on the Policies Map needs to be restored to its current position – along Bath Road and Floral Way, in accordance with Paragraph 6.58 of the draft Local Plan.

(iii) A revision of the document 'Settlement Boundary Review (SBR) December 2022' needs to be published, in which 'Map 46: Thatcham E' is amended to show the settlement boundary in its current position – along Bath Road and Floral Way.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Map of North East Thatcham in policy SP17
Section/paragraph:	Map on page 65
Policy:	SP17
Appendix:	
Policies Map:	'North East Thatcham Proposal' layers
Other:	

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

There are several inconsistencies between Policy SP17 and the map on page 65 of the draft Local Plan, and unexplained features:

- 1) Policy SP17 states that the Green Infrastructure will include “A new community park linking Thatcham to the North Wessex Downs AONB”. However, the map shows three small and disconnected areas described as “Country Park / Public Open Space”. These are clearly defined by the 110m AOD contour, rather than their relationship to the AONB.
- 2) The purpose of the car park on Harts Hill Road is unclear, and conflicts with the policies in the draft Local Plan to promote active travel. It is located on a blind bend on Harts Hill Road.
- 3) The “Green linkages between Country Park / Public Open Space” are not mentioned in Policy SP17, and their purpose is unclear – whether they are for wildlife or pedestrians. If they are for wildlife, then the wildlife pass through Long Grove Copse (between Siege Cross Farm and Colthrop Manor), rather than all the way round its periphery.
- 4) The three areas of “Country Park / Public Open Space” and the “Green linkages between Country Park / Public Open Space” are not consistent with the description of ‘Green and Blue Infrastructure’ that are described in paragraphs 4.8 – 4.14 of the Thatcham Strategic Growth Study Stage 3 – which Policy SP17 states “provides guiding principles for the delivery of the site”.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

The areas of Country Park / Public Open Space and Green Linkages need to be removed from the map on page 65 of the draft Local Plan, pending the completion of the ‘studies and work’ called for in Paragraph 6.58.

The ‘North East Thatcham Proposal’ layers need to be removed from the Policies Map for the time being.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	The evidence base for the SA/SEA for assessment of transport is not yet available
Section/paragraph:	
Policy:	Policies SP17, SP23
Appendix:	
Policies Map:	
Other:	Policy SP17 Sustainability Appraisal: Appendix 5 SA/SEA of Strategic Policies West Berkshire Strategic Transport Model – Local Plan Forecasting Report

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes No

Please give reasons for your answer:

The Local Plan Review web page on the West Berkshire Council website for the evidence base of transport assessments states:

“Transport is one of the key considerations to be assessed as part of the Local Plan Review (LPR) process. A Strategic Transport Assessment (TA) is being undertaken to run concurrently with the LPR process to determine the potential impacts of the emerging draft LPR and to investigate possible mitigation measures to address such impacts.”

(<https://westberks.gov.uk/transport-assessments> retrieved 26/02/2023 - copied below)

Regulation 12 of The Environmental Assessment of Plans and Programmes Regulations 2004 states:

“(1) Where an environmental assessment is required by any provision of Part 2 of these Regulations, the responsible authority shall prepare, or secure the preparation of, an environmental report in accordance with paragraphs (2) and (3) of this regulation.

(2) The report shall identify, describe and evaluate the likely significant effects on the environment of—

(a) implementing the plan or programme

If the document “to determine the potential impacts of the emerging draft LPR” is “being undertaken to run concurrently with the LPR process”, then the evidence for the SA/SEA cannot have been available when the Sustainability Appraisal: Appendix 5 SA/SEA of Strategic Policies was prepared.

The SA/SEA Summary for Transport Policy in Table 59 Appendix 5 of the SA/SEA states:

“The policy is likely to have a positive impact on all sustainability objectives as it seeks to promote and encourage the use of sustainable modes of travel, such as walking, cycling and the use of public transport over car use. A number of indirectly positive environmental impacts have also been

identified, which relate to benefits that a reduction in car use would have that are not directly related to the policy. No negative impacts have been identified as a result of this policy.”

It describes the ‘Overall effect’ as “Positive”. There is no basis for this conclusion, as the Strategic Transport Assessment has not yet been carried out.

The proposal for approximately 1,500 homes at North East Thatcham will increase the overall level of traffic in and around Thatcham. The West Berkshire Strategic Transport Model – Local Plan Forecasting Report concludes (paragraphs 5.4.1 and 5.4.2):

“5.4.1 The analysis set out in this assessment indicates where small impacts may still occur as a result of Local Plan growth and the proposed mitigation; however due to network constraints it will not necessarily be feasible to mitigate all such impacts.


5.4.2. It is important to note, however, that the Local Plan impacts have been assessed against a Reference Case which assumes no growth (beyond the current adopted Local Plan) in housing and employment within West Berkshire, which is an unrealistic situation; there will inevitably be growth across the district, and the district is committed to deliver that growth.”


Regulation 12 requires the EA/SEA to assess the plan as a whole, not policy-by-policy. It is therefore clear that the impact of SP23 taken with SP17 in relation to transport is negative, even without taking into account the growth in housing and employment within West Berkshire that is inherent to the draft Local Plan.


The Sustainability Appraisal of transport therefore does not comply with the requirement of Paragraph 12(2)(b) of The Environmental Assessment of Plans and Programmes Regulations 2004.

Transport Assessment to Support the West Berkshire Local Plan Review to 2039.

Transport is one of the key considerations to be assessed as part of the Local Plan Review (LPR) process. A Strategic Transport Assessment (TA) is being undertaken to run concurrently with the LPR process to determine the potential impacts of the emerging draft LPR and to investigate possible mitigation measures to address such impacts.

The first phase of the Transport Assessment work was published in December 2020. It includes outputs from transport modelling using the Council's strategic transport model. You can  view or download the Phase 1 Transport Assessment Report, here [1MB].

The second phase of the Transport Assessment takes forward the issues identified by the modelling work outlined in the Phase 1 report, looking into more detail the main locations identified and assesses the suitability of the potential mitigation measures that are likely to be required. You can  view or download the Phase 1 Transport Assessment Report, here [2MB].

Did you find this information useful?  sultants to produce forecast year transport models representing a range of scenarios in the district to help inform the selection of sites. The Local Plan Forecasting Report and the appendices are available to view and download below:

-  West Berkshire Strategic Transport Model - Local Plan Forecasting Report [46MB]
-  West Berkshire Strategic Transport Model - Local Plan Forecasting Report Appendices [34MB]

In addition to the focus on transport modelling and the assessment of highway impacts, both the LPR and its supporting transport evidence base will need to consider opportunities for increasing travel and lifestyle choices and for more journeys to be made by sustainable modes. This will include being alert to and receptive of the expected technological advancements in terms of transport and personal mobility that are currently taking place. It will continue to develop apace over the lifetime of the new plan period.

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

As the sustainability appraisal is not legally compliant, the Local Plan cannot be in accordance with Paragraph 32 of NPPF.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

The SA/SEA needs to be reviewed in relation to transport after completion of the Strategic Transport Analysis.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Incorrect assumptions and inadequate and contradictory information in the studies on traffic and highways
Section/paragraph:	
Policy:	SP17
Appendix:	
Policies Map:	
Other:	West Berkshire Strategic Transport Model – Local Plan Forecasting Report Thatcham Strategic Growth Study Stage 3 West Berkshire Local Plan Review Phase 2 Transport Assessment Report (July 2021)

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes No

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

There are a number of incorrect assumptions and inadequate and contradictory information in the studies on traffic and highways.

Level Crossing at Thatcham Station

The lived experience of residents of Thatcham is that the location of most serious congestion is the level crossing at Thatcham station. At times, the queue can build to more than half an hour in duration, when there is an unfortunate combination of train movements. The current situation is unacceptable, and any increase in delays is completely unacceptable.

The WSP study does not build this into its model. The West Berkshire Local Plan Review Phase 2 Transport Assessment Report merely states “However, the model also indicates that these queues clear when the level crossing gates are open”, which is an obvious but irrelevant statement.

It is clear that any increase in housing in Thatcham will result in a corresponding increase in traffic over the level crossing, especially if those homes are located at the east of the town.

Paragraph 110 of NPPF states:

“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that ... any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

Thatcham Town Council is of the view that any adverse impact on the already unacceptable delays at the level crossing is ‘significant’. It is not possible to mitigate this, because most of the journeys using the level crossing are not served by public transport and are too long for active travel.

Additional journeys by non-residents of NE Thatcham

The traffic studies assume that any additional journeys will be generated by residents of the North East Thatcham development. However, Policy SP17 proposes a secondary school with a large proportion of pupils who are not residents of the development. This and the teachers for the school will generate a substantial number of vehicle movements during the morning rush hour.

The “Local centres providing local retail facilities and small-scale employment for community use (approximately 1,100 sq. metres)” will generate additional vehicle movements, although the magnitude of this is as unclear as the intended use of these facilities.

Queues on Floral Way/Heath Lane

Paragraphs 3.26 and 3.27 of the West Berkshire Local Plan Review Phase 2 Transport Assessment Report (July 2021) imply that, without mitigation, traffic queues on Floral Way might extend from the A4 back to Heath Lane – a distance of a mile. If that is the case, then any mitigation measures are unlikely to reduce traffic delays to an acceptable level.

Provision (or not) of through route for traffic

The Thatcham Strategic Growth Study envisages several distinct neighbourhoods, with “Public transport through-route, limited car movement between neighbourhoods” (Stage 3 Study, figure 64). However, the West Berkshire Strategic Transport Model – Local Plan Forecasting Report has incorrectly included this route in its traffic forecast (Paragraph 2.4.8, based on Section 5 of the report by Transport Planning Associates in Appendix C) :

“The development proposals include a link road through the site joining the A4 at Gables Way with Harts Hill Road, and the modelled movements account for internalisation of trips and use of the link road.”

Impact of Policy ESA1 (Land east of Colthrop Industrial Estate, Thatcham)

Outline planning permission has already been granted for this site for B2 and/or B8 development, addressing access. One of the conditions requires “The application and provision of a Traffic Regulation Order prohibiting right turn movements from the access”. This will double the number of traffic movements for vehicles leaving the site and heading east along the A4, as they will need to turn left and then turn back at the Gables Way roundabout. This need to be taken into account in the traffic modelling.

Consistency of road and junction layout

The Thatcham Strategic Growth Study shows Floral Way diverted into the development between the A4 and Harts Hill Road, with two junctions close together. However, the West Berkshire Strategic Transport Model – Local Plan Forecasting Report has assumed only one junction at this location in its modelling.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

The Strategic Transport Assessment should take the issues identified in this representation into account, and the traffic studies necessary for this should be carried out. The results of the Strategic Transport Assessment should then be considered in the Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA), prior to the submission of the draft Local Plan.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	The settlement boundary to the west of Thatcham is shown incorrectly in map "Thatcham W" of the Settlement Boundary Review background paper.
Section/paragraph:	
Policy:	
Appendix:	Appendix 3 of the Settlement Boundary Review
Policies Map:	
Other:	Settlement Boundary Review (SBR) December 2022, map "Thatcham W"

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		

Please give reasons for your answer:

The Policies Map shows the open space between Sowerby Street and Tull Way (on the west side of Thatcham, to the east of Tull Way and north of the garden centre) as being outside the Settlement Boundary and part of the 'proposed green gap' between Thatcham and Newbury. However, map "Thatcham W" of the paper 'Settlement Boundary Review (SBR) December 2022' shows the settlement boundary as extending to Tull Way.

In the Regulation 18 consultation, the Town Council proposed that the open space between Sowerby Street and Tull Way should be outside the settlement boundary, and this was accepted by West Berkshire Council - Settlement Boundary Review Background Paper; Dec 2022, page 30 of responses (pdf page 115).

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

The settlement boundary in the Settlement Boundary Review (SBR) December 2022, map "Thatcham W" needs to be moved to the east, so that the area of open space between Tull Way and Sowerby Street is outside the settlement boundary.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Policy RSA7 contradicts the full planning approval that has already been granted for this site.
Section/paragraph:	
Policy:	RSA7 (with consequential impact on SP13)
Appendix:	
Policies Map:	
Other:	

2. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes No

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		

Please give reasons for your answer:

<p>Full approval has been given by West Berkshire Council for 91 dwellings on this site by 18/00964/FULEXT.</p> <p>This has a single access from Lower Way.</p> <p>This approved application does not include cycle linkages through the site, despite a specific request</p>

by Thatcham Town Council.

The development does not front onto Lower Way, and one property is only around 1m away from the public footpath that now runs through the site.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

Point (i) in Policy RSA7 needs to be amended as follows:

- (i) Provision for ~~approximately 85~~ 91 dwellings, with a mix of dwelling sizes and types.
- (ii) The site should be accessed via Lower Way. ~~To ensure permeability through the site, the scheme should be designed with the potential for two accesses to be provided. Pedestrian and cycle linkages will be expected through the site and linking to the surrounding area.~~
- (iv) ~~It is expected that development will front onto Lower Way to enable effective integration with the existing built form and be set back from the existing public rights of way to the east and west of the site.~~

(added text is underlined; deleted text is struck through)

The consequential change to the number should be made to Policy SP13.

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:

Thatcham Town Council is the principal representative body of the community of Thatcham, which is the location of only new strategic site allocation in the draft Local Plan. The suitability of this site for development is reliant on having adequate infrastructure. However, the regeneration that was promised in the current Local Plan has not materialised, and would not be delivered through the policies in the draft Local Plan. The Town Council can provide local insight to the examination about Thatcham, and particularly on the substantial deficit of infrastructure in the locality. It would also be happy to elaborate on its other concerns about the current proposals for the North East Thatcham Strategic Site Allocation, as described in these representations.

The Town Council anticipates that changes necessary to the draft Local Plan in relation to site allocations are greater than could be addressed through 'main modifications'. If, however, the Inspector is minded to consider recommending 'main modifications' to policy SP17 and related matters in other Policies, it would welcome the opportunity to provide its perspective on what modifications would be required.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

6. Notification of Progress of the Local Plan Review

Do you wish to be notified of any of the following?

Please tick all that apply:

Tick

The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.

Signature		Date	
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Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.

Thatcham Town Council representations on West Berkshire Draft Local Plan

Jan/March 2023

List of Attachments

- 1) Image of Web Page for Regulation 18 consultation - consultation
- 2) Image of Web Page for Regulation 19 consultation – evidence
(these two documents just provide factual evidence)
- 3) Summary of Statement of Case of West Berkshire Council’s expert witness on landscape
<http://planning.westberks.gov.uk/rpp/showimage.asp?j=15/00296/OUTMAJ&index=1175645>
- 4) Area Delivery Plan Policy 3 from the current Local Plan
https://westberks.gov.uk/media/36354/Area-Delivery-Plan-Policy-3-Thatcham/pdf/Area_Delivery_Plan_Policy_3_-_Thatcham.pdf
- 5) West Berkshire Council School Places Plan 2010
<https://decisionmaking.westberks.gov.uk/mgConvert2PDF.aspx?ID=5205>
- 6) Department for Education’s ‘A guide to new mainstream free school revenue funding 2022 to 2023
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1081008/A_guide_to_new_mainstream_free_school_revenue_funding_2022_to_2023.pdf
- 7) Securing developer contributions for education (November 2019)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/909908/Developer_Contributions_Guidance_update_Nov2019.pdf
- 8) Specification – Vision 2050 (circulated by email before a meeting, but not a numbered document)
- 9) Comments by Thatcham Town Council on: ‘Baseline Report’ and ‘Socio-economic baseline & property market assessment’
Attachment to minutes of P&H meeting held on 17th May 2022 (Agenda item 3 of P&H meeting on 7th June 2022)
- 10) West Berkshire 30 Year Vision: Initial contribution by Thatcham Town Council to Icen Projects
Approved by P&H meeting held on 26th April 2022; the meeting agreed some editorial changes after the meeting, and I don’t think this was circulated to Councillors



Coronavirus (COVID-19)

Find information about community support and our services during the coronavirus pandemic, on our [information for residents pages](#), our [information for businesses pages](#), and our [community support hub page](#) which has guidance to help coordinate community organisations.

[See a summary of our Local Outbreak Control Plan and read our frequently asked questions.](#)

West Berkshire Local Plan Review to 2037

Planning policies for development in West Berkshire to 2037

Our current [Local Plan](#) sets out our planning policies up to 2026. We have now begun a review of our Local Plan to cover the period up to 2037.

Regulation 18 consultation on the emerging draft of the West Berkshire Local Plan Review (LPR) to 2037

We have produced an emerging draft of the LPR which is available to download [online \[9Mb\]](#). This identifies the development that is required to meet our local needs, sets out our strategy for distributing development within the district, as well as outlines our policies for conserving and enhancing the natural and built environment. It will help people in West Berkshire achieve sustainable development.

We would welcome your feedback on the emerging draft LPR. Your comments should be submitted during the eight week consultation period which runs from Friday 11 December 2020 to 4.30pm on Friday 5 February 2021.

How to comment on the consultation

The emerging draft LPR can be viewed online and in West Berkshire Council Offices in Market Street, Newbury, RG14 5LD during [normal opening hours](#). Please note that opening hours may be subject to change at short notice due to Covid-19 restrictions.

Representations can be made in writing or by way of electronic communications:

- Online: using the Council's [Local Plan Consultation Portal](#). This is the easiest and most efficient way to both view the document and respond. You will need to register, but then any comments you make will be stored in your account for future reference. Registration is possible using a Facebook or Twitter account.
- By Representation Form which is available to download [online \[89kb\]](#).

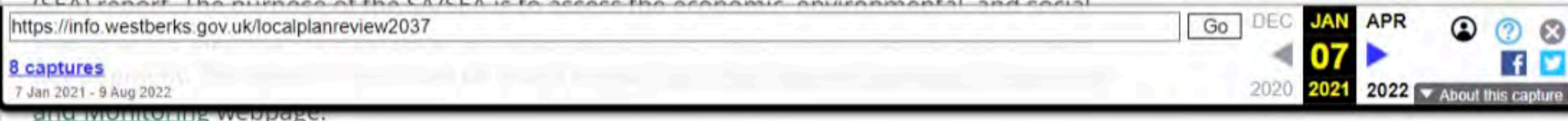
All representations must be received by **4.30pm on Friday 5 February 2021**:

- By email to planningpolicy@westberks.gov.uk; or
- By post to the Planning Policy Team, Development and Planning, West Berkshire District Council, Market Street, Newbury, RG14 5LD.

After this consultation ends, we will consider all responses we receive and prepare the draft version of the Local Plan Review which we hope to publish in spring 2021.

Sustainability Appraisal / Strategic Environmental Assessment

We have produced an interim Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) report. The purpose of the SA/SEA is to assess the economic, environmental, and social



If you wish to comment on the interim report, please send us your comments by the end of the consultation period.

Supporting evidence

The LPR must be supported by a robust evidence base. A number of studies and assessments have been undertaken and information has been collected to inform the plan. The studies and assessments prepared to date are set out on our [Local Plan Review Evidence, Information and Monitoring](#) webpage.

Previous consultations

We have undertaken two previous Regulation 18 consultations on the LPR, both of which have fed into the emerging draft document.

We set out the scope and content of our LPR in our [Local Plan Review Scoping Report \[290kb\]](#) and accompanying [Sustainability Appraisal Scoping Report \[4Mb\]](#) which we consulted on between February and March 2018. The feedback we received and the way in which this will be taken forward is summarised in our [LPR Scoping Report Consultation Statement \(October 2018\) \[4Mb\]](#).

Between November and December 2018 we then consulted on our proposed:

- vision for the Local Plan Review
- revision of the existing spatial areas
- methodology for reviewing the existing settlement hierarchy
- criteria for the settlement boundary review
- update of our assessment of existing Local Plan policies

Details of this consultation are set out in the [LPR Regulation 18 Consultation Paper November 2018 \[2Mb\]](#). The feedback we received and the way in which this will be taken forward is summarised in our [LPR Regulation 18 Nov-Dec 2018 Consultation Statement - June 2019 \[427kb\]](#).

[Did you find this information useful?](#)

Who To Contact

Planning Policy: West Berkshire's Planning Policy Team

planningpolicy@westberks.gov.uk 01635 519111 [More contact information for Planning Policy](#)

Read More About

[The Local Plan](#)

[Local Plan Review Evidence, Information and Monitoring](#)

[Planning Policy News](#)

[Annual Monitoring Report \(AMR\) and Planning Commitments](#)

[Local Plan Consultation Portal](#)

[Local Development Scheme \(LDS\)](#)



Coronavirus (COVID-19)
 Find information about community support and our services during the coronavirus pandemic, on our [information for residents pages](#), our [information for businesses pages](#), and our [community support hub page](#) which has guidance to help coordinate community organisations.
[See a summary of our Local Outbreak Control Plan and read our frequently asked questions.](#)

Local Plan Review Evidence, Information and Monitoring

The evidence base and monitoring supporting the Local Plan Review

Local Plans must be supported by a robust evidence base. A number of studies and assessments have been undertaken, and information has been collected to inform, support and monitor the West Berkshire Local Plan Review to 2037 (LPR).

The following table sets out the latest up-to-date evidence and supporting material that underpin the LPR. However, the list is not exhaustive and will continue to evolve as new studies are published.

Employment	
Employment Land Review An assessment of future demand for employment floor space, as well as existing and committed future supply. The study also identifies floorspace/land requirements to address unmet need	Employment Land Review [5Mb]
Functional Economic Market Area (FEMA) and Economic Development Needs Assessment (EDNA) Information on Berkshire's economy and the identification of how much land is required for employment growth	Berkshire Functional Economic Market Area (FEMA) Study [9Mb] Western Berkshire Economic Development Needs Assessment (EDNA) [2Mb]
Flooding	
Strategic Flood Risk Assessment (SFRA) Determines the variation in flood risk across the district. The Level 1 assessment looks at the district as a whole; the Level 2 assessment looks at specific sites or areas	SFRA
Historic environment	
Information on the managing the historic environment	Historic Environment - Planning Advice Managing the Historic Environment The West Berkshire Historic Environment Record (HER) Historic Environment - Projects and Research
Housing	
Affordable Housing Viability Assessment Tests the potential viability of requiring market-lead residential development to provide affordable housing, whilst taking into account the local housing market, current delivery and the cumulative impact of the Local Plan policies	Affordable Housing Viability Report [2Mb] Appendix 1: Assumptions Summary [946kb] Appendix IIa: Residential Results Summary [1Mb] Appendix IIb: Residential Results Summary - Additional Testing: Zero Carbon [1Mb] Appendix IIc: Sensitivity Test Matrix [865kb] Appendix III: Market Values and Assumptions [2Mb]
Five Year Housing Land Supply We are required to identify enough deliverable sites to meet our housing requirement for the next five years. The next update will be published in early 2021.	Five Year Housing Land Supply
Gypsy, Traveller and Travelling Showpeople Assessment (GTAA) Provides the overall pitch/plot requirements for Gypsies, Travellers and Travelling Showpeople across the district	The document will be made available in early 2021
Strategic Housing Market Assessment (SHMA) Assessment of housing needs into the local and wider housing market area	SHMA
Updated Housing Needs Evidence An assessment of affordable housing need and older persons' accommodation within West Berkshire	Updated Housing Needs Evidence [625kb]
Infrastructure	
Infrastructure Delivery Plan (IDP) Sets out details of the infrastructure needed to support delivery of the LPR	IDP
Water Cycle Study Phase 1 - Scoping Assesses the relationship between development and the water environment around West Berkshire. The Phase 1 Scoping Study assesses the potential issues relating to future development across West Berkshire and the impacts on water supply, wastewater collection and treatment and water quality.	Water Cycle Study Phase 1 - Scoping [3Mb] Appendix A: Site Tracker [481kb]
Landscape	
Landscape Character Assessments Landscape character and its sensitivity to future development	Landscape Character Assessments
Natural environment	
Nature Conservation Information on ecology, biodiversity and nature conservation	Nature Conservation
South East England Biodiversity Opportunity Areas (BOA) 2009 Identifies the BOAs outlined within the Core Strategy (Policy CS17) and draft emerging LPR (Policy SP11)	South East England Biodiversity Opportunity Areas 2009 [988kb]
Retail and town centres	
Western Berkshire Retail and Commercial Assessment 2016 Sets out the need for retail and commercial leisure uses in the study area	Western Berkshire Retail and Commercial Leisure Assessment 2016 (Volume 1 - Main Report) [2Mb] Western Berkshire Retail and Commercial Leisure Assessment 2016 (Volume 2 - Plans and Appendices) [6Mb] Western Berkshire Retail and Commercial Leisure Assessment 2016 (Volume 3 - Household Survey Results) [1Mb] Western Berkshire Retail and Commercial Leisure Assessment 2016 (Volume 4 - Bracknell In-Centre Survey Results) [242kb]
Settlement hierarchy	
Review of the West Berkshire Settlement Hierarchy Re-assessment of the existing settlement hierarchy. The settlement hierarchy guides the broad location of new and sustainable development.	Settlement Hierarchy Review Topic Paper [439kb] Appendix 1: Audit Criteria for Services and Facilities [597kb] Appendix 2: Settlement Audit [10Mb] Appendix 3: Audit Matrix and Settlement Scores [496kb] Appendix 4: Review of Settlement Hierarchy Tiers [441kb] Appendix 5: Qualitative Assessment [439kb]
Site selection	
Housing and Economic Land Availability Assessment (HELAA) Identifying potential land for housing and economic development in West Berkshire. First published in February 2020, the HELAA was updated in December 2020 to take account of factual inaccuracies and include the assessment of newly promoted sites	HELAA
Site Selection Background Paper for the Emerging Draft LPR Sets out the process that was used to identify new allocations in the LPR.	Site Selection Background Paper for the Emerging Draft Local Plan Review to 2037 [635kb] Appendix 1: Sites ruled out in Stage 1 (assessed as 'not developable within the next 15 years' in the HELAA) [23kb] Appendix 2: Sites ruled out in Stage 3 (Outside settlement hierarchy) [9kb] Appendix 3: Sites ruled out in Stage 4 (non-strategic sites within the settlement boundary) [8kb] Appendix 4a: Newbury Site Assessments [559kb] Appendix 4b: Thatcham Site Assessments [396kb] Appendix 4c: Theale Site Assessments [186kb] Appendix 4d: Burghfield Common Site Assessments [246kb] Appendix 4e: Woolhampton Site Assessments [239kb] Appendix 4f: Bradfield Southend Site Assessments [465kb] Appendix 4g: Chieveley Site Assessments [272kb] Appendix 4h: Great Shefford Site Assessments [250kb] Appendix 4i: Kintbury Site Assessments [422kb]
Thatcham Strategic Growth Study A three-stage process that assesses planning for the future of the settlement	Stage 1: Thatcham Past [2Mb] Stage 2: Thatcham Present [1Mb] Stage 3: Thatcham Future [12Mb] Stage 3: Thatcham Future Appendices [20Mb]
West Berkshire Density Pattern Book Study Guidance tool used for assessing the capacity of sites promoted for the Housing and Economic Land Availability Assessment	West Berkshire Density Pattern Book Study [2Mb]
Sport and recreation	
Playing Pitch Strategy An up-to-date analysis of supply and demand for playing pitches	West Berkshire Playing Pitch Strategy [3Mb]
Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA)	
Interim SA/SEA Assessment of the economic, environmental, and social effects of the emerging draft LPR	Interim Sustainability Appraisal Report [686kb] Appendix 1: Consultation Comments on Sustainability Appraisal Scoping Report (2018) [688kb] Appendix 2: Baseline Information [4Mb] Appendix 3: Relevant Plans and Programmes [575kb] Appendix 4: Sustainability Appraisal of Draft Policies [4Mb] Appendix 5: Sustainability Appraisal of Site Options [5Mb]
Transport	
Transport Assessments Assesses the impact of development upon the districts highway network	Transport Assessments
Other	
Annual Monitoring Reports (AMR) Monitors progress of the Local Plan policies and documents.	Annual Monitoring Reports
Grazeley Masterplanning Information report on potential growth scenarios at Grazeley.	Grazeley Growth Scenarios Report (July 2018) [25Mb]
Thatcham Town Centre Design Appraisal (2009) Gives guidance for the future of Thatcham Town Centre	Thatcham Town Centre Design Appraisal [35Mb]

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APPEAL BY: A2DOMINION DEVELOPMENTS LTD

RE:

**OUTLINE APPLICATION FOR PHASED DEVELOPMENT OF
UP TO 495 DWELLINGS; UP TO 250SQ.M OF USE CLASS DI;
A NEW PRIMARY SCHOOL; PROPOSED ACCESS INTO SITE;
ACCOMPANYING ACCESSES; LANDSCAPED OPEN SPACE;
AND ASSOCIATED WORKS**

LAND AT SIEGE CROSS, THATCHAM

INSPECTORATE REF: APP/W0340/W/15/3141449

COUNCIL REF: 15/00296/OUTMAJ

SUMMARY

Landscape and Visual Proof of Evidence by Bettina Kirkham DipTP BLD CMLI

On behalf of West Berkshire Council

OCTOBER 2016

SUMMARY OF LANDSCAPE AND VISUAL EVIDENCE

- S.1 My name is Bettina Kirkham. I hold a Bachelors Degree in Landscape Architecture and a Diploma in Town Planning and I have been a Chartered Member of the Landscape Institute since 1982. I am the Director of Kirkham Landscape Planning Ltd (KLPL). I was appointed as landscape expert witness on behalf of West Berkshire Council in February 2016 to consider the landscape and visual aspects of this appeal. I also advised West Berkshire Council on the landscape and visual implications of the application (15/00296/OUTMAJ) in 2015.
- S.2 My evidence addresses the landscape and visual impacts of the proposed development on the appeal site, on the wider landscape, on the landscape setting of Thatcham, on the setting of the North Wessex Downs AONB and on local visual amenity in support of the Council's reasons for refusal 3.
- S.3 The appeal site comprises a large site of 34.59ha north of Thatcham. The site lies outside the settlement boundary of Thatcham and within open countryside. It is not within a national landscape designation but lies within the setting of, the North Wessex Downs Area of Outstanding Natural Beauty, 500m to the north of the site. West Berkshire Council does not have a policy of local landscape designations therefore the site is part of the 'wider countryside' (NPPG).
- S.4 Siege Cross Farm, a historic settlement of medium-high historic landscape character sensitivity with two Grade II listed buildings, the barn and cart shed, lies in the centre of the appeal site, set within the open countryside of the appeal site. Two Ancient Woodlands, Long Grove Copse and Big Gully, lie adjacent to the site.
- S.5 In Section 3, I set out the national and local plan policies against which I have considered the proposed application. I also set out how the proposed site has not been allocated at any time by WBC through the SHLAA process. Finally I set out the North Wessex Downs AONB's objections to the proposed development, which I support.

- S.6 My Section 4 describes the nature of the proposed outline scheme for up to 495 dwellings (11.5 to 13m high) and up to 250sqm of community use floor space on 17.2 ha; a new primary school of up to 2 forms of entry on 2.10 ha.; with an area of 14.94 ha. for open space. I also describe the effect on the vegetation as a result of the proposed access off floral Way and north of the A4. The proposals are supported by landscape mitigation in Landscape and Biodiversity Management Strategy Plan Barton Willmore 20590/L12 /A. I have examined these in Section 7 to assess how effective the proposed landscape mitigation may be.
- S.7 In Section 5, I undertake a comprehensive and in depth review of the attributes and character of the site, and its landscape and townscape setting and clearly identified the sensitivity of the landscape to development. As specified in GLVIA3, the sensitivity of this rural landscape is not determined simply by reference to landscape designations but by the value attached to specific features in the landscape in the relevant landscape character assessments and other relevant documents such as the North Wessex Downs AONB Management Plan. In this case the attributes of the site and its immediate setting are recognised as key features which should be conserved and enhanced in order to maintain the local character and distinctiveness of the landscape and the rural setting to Thatcham and the North Wessex Downs AONB.
- S.8 My Section 6 sets out the range of views to the site from public rights of way, heritage assets, the surrounding road network and residential property. Section 6 continues my comprehensive in depth review of the appeal site, expanding on the Barton Willmore representative photograph locations by adding a further 6 viewpoints, all from public vantage points, representing a wide sphere of negative visual influence of the proposed development.
- S.9 In Section 7, I set out in detail a thorough assessment, in accordance with the Landscape Institute's guidance GLVIA3, of the significant adverse effects of the proposed development on the value of the landscape, on the role and intrinsic beauty and character of the landscape and on the local views of open countryside and the setting of heritage assets.
- S.10 The appeal site lies outside of the settlement of Thatcham and is isolated from the town by the established and well defined boundary along the A4 and

Floral Way comprising the roads and extensive mature tree and hedgerow vegetation either side of these roads. The site is rural in character and contains limited built form which is in keeping with an agricultural landscape. The site makes an important contribution to the setting of the AONB and to the setting of both ecological and heritage designations (Long Grove Copse, Big Gully and Siege Cross Farm).

- S.11 The site is not land of the 'least environmental value' and it is neither previously developed land nor degraded land. On the contrary it is a 'valued' landscape within the meaning of NPPF 109 which should be protected and enhanced. It also is the best and most versatile agricultural land which provides acknowledged landscape benefits. The proposed development would result in significant and demonstrable harm to a valued landscape and to the intrinsic beauty and character of this landscape contrary to both paras 17 (bullet 5) and 109; and to para 112. For this reason the proposed development is not environmentally sustainable contrary to NPPF para 7.
- S.12 The site contains pasture farmland, within well-established woodlands, and mature hedgerows. It is also on rising exposed ground which forms the southern flank of the open countryside hillside ridge of the AONB above Thatcham. Extending from 75m AOD to 105m AOD, the proposed development area lies well above the local limit of development of 90m AOD and above the limit within eastern Thatcham of 95m AOD. The proposed development on the appeal site would therefore be an extensive arm into this open elevated and prominent landscape. It is clearly not a logical extension to Thatcham as it will intrude into an overwhelmingly rural landscape, which forms an intrinsic part of the wider landscape between the AONB and Thatcham, well beyond a clearly defined and established landscape boundary to the settlement.
- S.13 The appeal site is currently productive farmland under pasture and the development area lies on Grade 2 and Grade 3a Agricultural Land. Grade 2 and Grade 3a agricultural land is worth protecting wherever it occurs and its presence contributes to the intrinsic value of this landscape as a healthy and important agricultural asset. The presence of the landing strip east of Siege Cross Farm has not compromised the agricultural value, as it remains mown improved grassland.

- S.14 Historic landscape forms an integral part of the value of the landscape. This is separate from, and in addition to, the heritage significance of any heritage assets. The value of the landscape is enhanced by the presence of historic assets in this case two Grade II listed buildings, the historic settlement of Siege Cross Farm (dating from before the early 1761 Rocque Map) and the surviving agricultural landscape around the farm. Despite the fact that the fields on the site have been modified and are of a medium-low historic landscape character (HLC) sensitivity, they lie within and are contained by many features that have survived from at least the early 18th C including Siege Cross Farm (medium-high HLC sensitivity), and woodland and surrounding fields (high HLC sensitivity).
- S.15 The appeal site has been considered by the Council through the Local Plan process. As part of this process I undertook two studies: 1) An Integrated Landscape Sensitivity Approach to Settlement Expansion within West Berkshire April 2009; and 2) Landscape Sensitivity Assessment of Potential Strategic Development Sites May 2009. The former identified a larger area LLCA14F including the appeal site as having a medium sensitivity to the settlement expansion of Thatcham but it is not the least sensitive area around Thatcham. Of 11 LLCAs around Thatcham, six are less sensitive than LLCA14F and more suitable in landscape terms. Moreover the appeal site itself affects a significant number of the key landscape sensitivities of LLCA14F.
- S.16 The later study examined a smaller part of LLCA14F known as Area 9. This was also much larger than the appeal site and the study concluded that only a limited area of development might be acceptable on the lower parts of Area 9, close to existing modern development north of the A4 ie the cemetery to the east of the appeal site. No land in Area 9 is currently under consideration as a housing allocation under the Local Plan process.
- S.17 In Section 7 I demonstrate the adverse effect of the development on the physical and visual setting and character of the site environment. The proposed landscape mitigation goes some way to mitigate some of the visual impacts but cannot overcome the impact of the location, extent and mass and scale of the development, nor the impact on many views. It would not replace the loss of 29% of the mature tree stock for a considerable length of time (20 years plus) and would not mitigate the effect of urbanising the site. As a

consequence, the development would result in a wide range of long term major and moderate-major adverse landscape and visual effects and several additional moderate adverse effects. On this basis I conclude that the proposed development on the appeal site would result in significant and demonstrable harm to a valued landscape and to the intrinsic beauty and character of that landscape by:

- Harming the character, value and visual appearance of the site as part of the open countryside;
- Harming the landscape and visual setting of the historic Siege Cross Farm and its Grade II listed buildings;
- Harming the setting of the North Wessex Downs Area of Outstanding Natural Beauty;
- Harming the landscape value of the grade 2 and grade 3a agricultural land;
- Extending development up to 105m AOD well above the current limit of development at Thatcham onto an exposed and prominent slope lying below the ridgeline of the AONB;
- Introducing built form that would be 11.5m to 13m in height over approximately 20ha. of open land and wholly out of keeping with the character of nearby Thatcham or the settlement pattern beyond the town;
- Undermining the dominant valley character of Thatcham by extending up the middle slopes of the Kennet Valley and eroding the landscape separation of Thatcham and Upper Bucklebury;
- Urbanising the special qualities of LLCA14F; and
- Harming views of the open countryside on the appeal site from a number of sensitive viewpoints and in particular views to the site and the wooded ridge of the AONB from the Greenham escarpment to the south.

S.18 I fully support the Council's reason for refusal 3 and conclude in Section 9 that the proposed development is therefore contrary to NPPF paras 7, 17 (bullets 5 and 7), 109, 110 and 112; NPPG; and Local Plan landscape policies.

S.19 In conclusion, the Inspector and Secretary of State are respectfully requested to dismiss the appeal on unacceptable landscape and visual impact grounds.

4 The Spatial Strategy

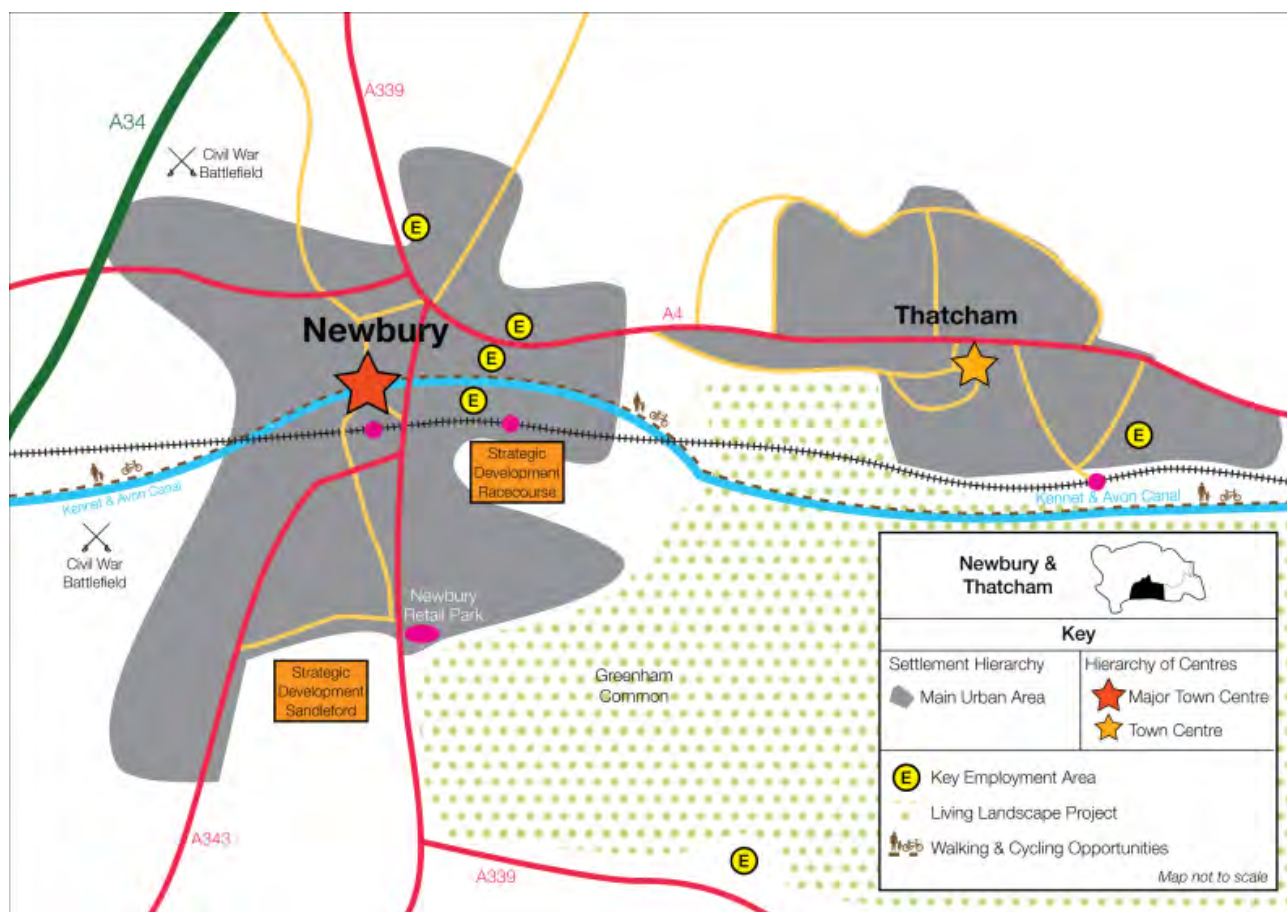
Thatcham - The Vision

4.26 Thatcham town centre will be a focus for regeneration, enabling the town to fulfil its role within the District’s Hierarchy of Centres⁽²⁷⁾ by improving the retail offer and enhancing the streetscape. The provision of leisure and community facilities for all ages will be improved and encouraged within the town centre. With the development of the new town centre, reflecting the historic heritage and responding to the needs of local people, Thatcham will become more self-contained providing a range of job opportunities and encouraging residents to shop and socialise locally.

4.27 Thatcham will be an accessible location, with improved access by public transport, walking and cycling and local traffic improvements increasing access and linkages to the town for residents and for visitors. Flood risk throughout Thatcham will be reduced and managed through surface water management schemes⁽²⁸⁾ and sensitive development.

4.28 The countryside and green infrastructure surrounding Thatcham, such as the Kennet Valley, the Nature Discovery Centre and the Living Landscape to the south, will be positively and proactively managed as assets for biodiversity. This will enhance health and well-being by creating more opportunities for residents and visitors to access and enjoy the high quality environment of the area.

Figure 1 Newbury and Thatcham



27 Policy CS 11 'Hierarchy of Centres'

28 [Thatcham Surface Water Management Plan](#), WSP on behalf of West Berkshire Council, 2010 available at www.westberks.gov.uk

Area Delivery Plan Policy 3

Thatcham

Housing

- Thatcham will accommodate approximately 900 homes of the total allocation for the District over the Core Strategy period in line with its role within the District Settlement Hierarchy. The majority of this planned growth, approximately two thirds, has already been committed or completed, for example through the Kennet Heath site to the south of the town. The rest will be delivered through the Site Allocations and Delivery DPD and will include greenfield sites adjoining the settlement, with schemes contributing to the creation of mixed and inclusive communities and helping to address local housing need. A number of sites which have future development potential have been identified in the Strategic Housing Land Availability Assessment (SHLAA).⁽²⁹⁾
- Opportunities will be taken to maintain and enhance the identity of Thatcham, separate to that of Newbury and the surrounding rural settlements.

Town Centre

- Thatcham's services and facilities will be improved allowing the town to fulfil its role within the District Settlement Hierarchy and the Hierarchy of Centres, serving the local population, not only within Thatcham, but also the surrounding rural areas.
- The town centre will be regenerated with the redevelopment of the Kingsland Centre driving this improvement, providing an attractive shopping environment and enhanced retail offer. This redevelopment is proposed to deliver approximately 17,200 sq.m of new floorspace in a mix of uses including, among others, retail, residential, office and community space.
- The town centre commercial boundary and primary shopping frontage will be reviewed through the Site Allocations and Delivery DPD.

Employment

- Thatcham will continue to support local employment through the designated Protected Employment Areas at Colthrop and Green Lane, which will continue to sustain a strong employment base. The role, function and boundaries of these sites will be reviewed through the Site Allocations and Delivery DPD.
- Thatcham town centre will accommodate small scale office development in keeping with the scale and character of the existing centre.

Accessibility

- Drawing on the conclusions from the Thatcham Town Centre Design Appraisal,⁽³⁰⁾ Thatcham will have recognisable gateways and better signage, improving connectivity and giving the town a stronger identity as a distinct and thriving settlement.
- The streetscape and public realm throughout the town will be improved, along with upgrades to the A4/Bath Road corridor, all of which are vital to enhancing Thatcham's image.
- Opportunities will be maximised to provide better connections and maximise accessibility linkages between the town centre and Thatcham railway station.
- The new shuttle bus service between Thatcham and Newbury will improve accessibility between the two towns.

29 [Strategic Housing Land Availability Assessment](#) available at www.westberks.gov.uk

30 [Thatcham Town Centre Design Appraisal](#), Turley Associates on behalf of West Berkshire Council, 2009 available at www.westberks.gov.uk

4 The Spatial Strategy

Environment

- The risk of flooding within the area will be reduced and managed through the implementation of schemes within the Thatcham Surface Water Management Plan⁽³¹⁾ and in accordance with Policy CS16.
- Through new development opportunities will be actively sought to create a connected and multi-functional green infrastructure network, which links with the town centre and surrounding countryside.
- The Nature Discovery Centre will be positively managed by the Council to ensure it continues to act as a vital educational and recreational resource for the area, as well as attracting tourism.
- The landscape and recreational role of the Kennet and Avon Canal will be strengthened in conjunction with British Waterways, with improvements to the towpath between Newbury and Thatcham as set out within the Infrastructure Delivery Plan (IDP)⁽³²⁾ playing a key part over the plan period. The canal will continue to contribute positively to the character of Thatcham and the surrounding area.
- The Council will continue to implement strategic biodiversity enhancements in conjunction with Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT), within the area covered by the Living Landscape project⁽³³⁾.
- Development will respect the historic environment of the town. A Conservation Area Appraisal will be undertaken for Thatcham Conservation Area.

Community Infrastructure and Services

- The range of leisure facilities within Thatcham will be expanded, utilising those at the existing Newbury Leisure Park on Lower Way, and optimising opportunities for leisure within the town centre through any future regeneration projects.
- Opportunities to implement schemes set out within the Thatcham Vision⁽³⁴⁾ will be taken, for example schemes relating to sustainable travel, or maintaining the historic character of the town centre.

Delivery and Monitoring

The strategy for Newbury and Thatcham will be delivered by implementation of the projects in the Newbury Vision 2025 and the Thatcham Vision and through the range of core policies identified in Section 5 'Core Policies'

Infrastructure requirements are set out in the Infrastructure Delivery Plan.

Monitoring will be through a range of indicators which are outlined in Section 6 'Monitoring Framework'.

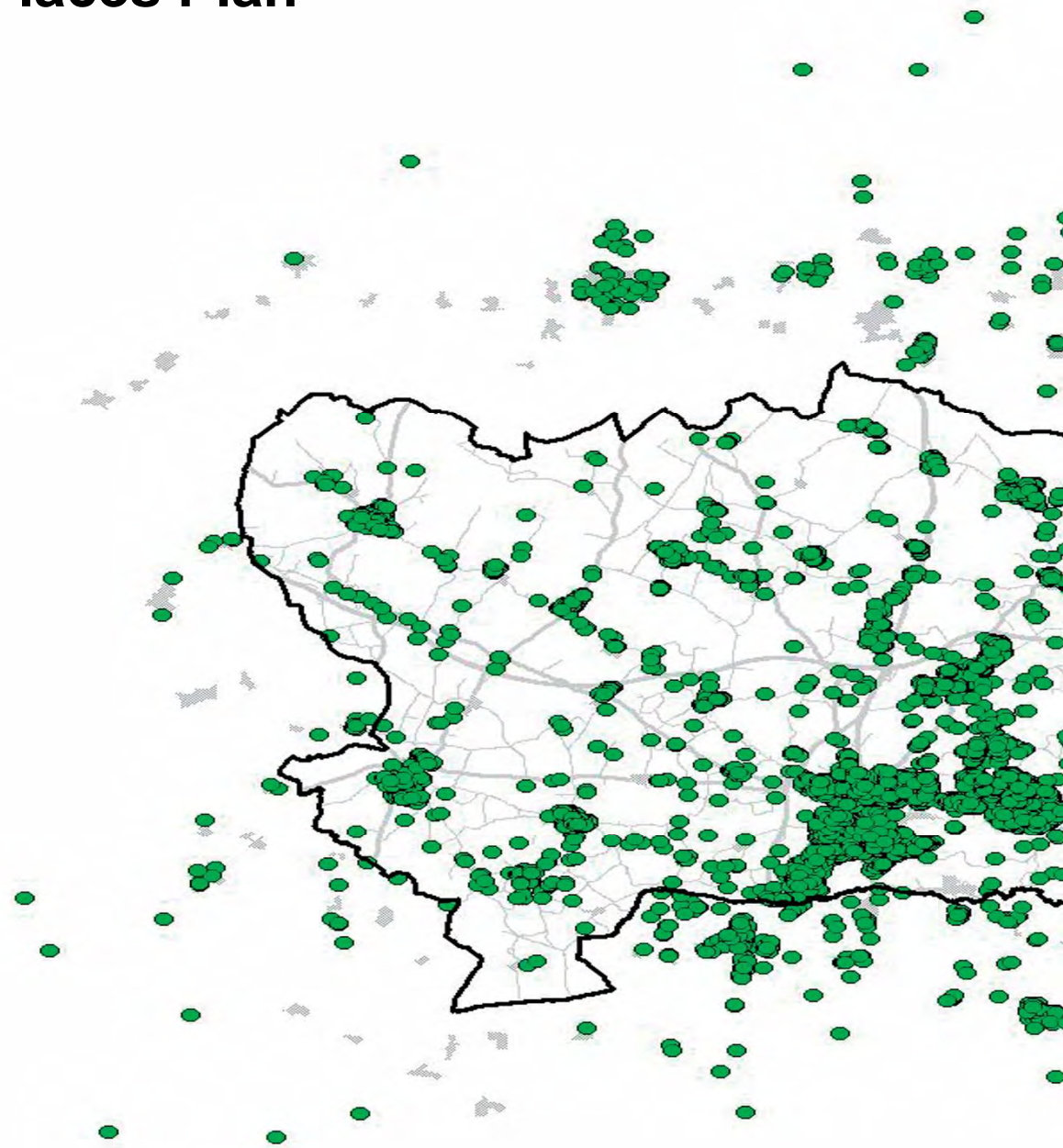
31 [Thatcham Surface Water Management Plan](#) WSP on behalf of West Berkshire Council, 2010 available at www.westberks.gov.uk

32 [Infrastructure Delivery Plan](#) available to view at www.westberks.gov.uk

33 [Living Landscape Project](#), at www.westberks.gov.uk and www.bbowl.org.uk

34 [Thatcham Vision](#), (2007) available to view at www.thatchamonline.net

School Places Plan 2010



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INTRODUCTION

1. West Berkshire Council's aim is "to enable all children and young people to maximise their potential while intervening positively to ensure that the most vulnerable have an equal opportunity to succeed". To achieve this the Council provides high quality education through a diverse provision of school types giving a wide selection of school places in order to maximise meeting parental preferences as much as possible.
2. The Local Authority (LA) has a duty to provide enough places for pupils resident in its area. The duty extends to managing those school places by controlling both over and under supply of places, as well as ensuring diversity in the type of places provided. In addition, the LA has a strategic planning role for the provision of sufficient places over time. The planning of school places therefore aims to achieve a workable balance between the number of places available in the LA and the number of pupils for whom the LA will need places. To meet this duty, the LA monitors the number of places and pupils through forward planning. Whilst it is no longer a statutory requirement to produce a School Organisation Plan, this Plan summarises the position with regard to school place planning.
3. The Plan sets out the basis on which school places are provided and managed within the LA and the context for the future organisation of required places. The Plan will be reviewed (at least) annually, being updated in line with changes in the factors that influence the demand for places the area, e.g. new housing or changing demographic profile. The Plan assesses the need to remove or add places within schools and describes the policies and strategies employed when managing the number of places and where they are geographically located. It also sets out the strategic framework for the provision of school places and the setting for the future organisation of school places in West Berkshire.

PRINCIPLES REGARDING THE PROVISION OF SCHOOL PLACES

Corporate Aims

- 1.1 The West Berkshire Council Plan describes how the Council intends to achieve its aim that children and young people will be educated in excellent, inclusive, high performing schools with high quality school buildings. This aim will be achieved by managing the provision and diversity of school places and balancing that against demand.

Principles of School Place Planning

- 1.2 As a Local Authority, West Berkshire Council is responsible for planning and providing sufficient school places in appropriate locations. In order to do so the LA must monitor the supply of school places against forecasts of future demand. School place planning and management of school places ensures that schools are of the right size all the time.
- 1.3 As the number of pupils at a school is the largest determinant of a school's budget, it means that surplus places above 10% translate into less money for the school, which may in some circumstances affect the ability to maintain standards or recruit and retain teachers. Removing surplus places and taking positive steps to rationalise schools, as well as putting surplus places to other uses in areas of less demand, ensures that the LA can generate funds that can be invested in areas of more demand. For example, in the Extended Schools programme, extra spaces at schools have been turned into community libraries, youth centres, children's centres and used for Adult and Community Learning.
- 1.4 The LA will consider reorganisation of provision under a range of circumstances. Where any major reorganisation of provision is proposed, the LA consults with the headteacher and staff, governors, the relevant Diocesan Authority (where appropriate) and relevant stakeholder groups/local community. Factors taken into account in the decision-making process include school performance, surplus places, the quality and suitability of the school buildings as well as any parental or community concerns.
- 1.5 The Council has developed a series of School Organisation protocols which detail the processes, consultations, and statutory proposal process that will be followed. These cover circumstances such as proposals for a new school, amalgamations, reorganisations and school federations. There may be adjustments to Net Capacity, for example, following a review of school numbers and teaching spaces.
- 1.6 School place planning uses the knowledge from school admissions to inform pupil forecasts, pre-empting the demand for places and aligning places to demand. It also takes account of recommendations from the Admissions Forum on matters relating to admissions and Fair Access; advice from whom is a statutory requirement for all admission authorities when considering and determining their admission arrangements.

School Performance

- 1.7 The LA supports the raising of achievement through prompt and appropriate intervention. This is done mainly through the School Improvement Team who support all schools and give targeted support to individual schools based on assessed level of performance, graded A - D. For example, an A grade is a high performing schools where support is targeted at maintaining the high standards, whilst a D grade would refer to a school in the Ofsted category of Special Measures. This method allows support to be targeted appropriately according to need and there will be prompt intervention in schools providing poor quality education.
- 1.8 School organisation and reorganisation planning takes account of performance data (OFSTED and exam results as well as other appropriate quality indicators). School place planning is supported and informed by the work of the School Improvement Service, which works with head teachers and other school staff to improve the quality of school management and the quality of teaching and learning to ensure higher levels of pupil attainment.
- 1.9 Raising achievement for all learners is a key aim of the West Berkshire Council Plan. School planning decisions should promote the improvement of educational standards. This means the performance of a school or group of schools is an important factor to be considered when changes are being formulated.
- 1.10 Statutory guidance in education links all school organisational, building and governance planning to the promotion of improvement of educational standards. Thus any decisions would be assessed for their potential to increase educational standards. Similarly any school reorganisations will be assessed for their potential to raise standards.

Access and Diversity

Categories of Schools

- 1.11 West Berkshire has a diverse co-educational mainstream provision comprising 66 Primary schools and 10 Secondary schools.

In the Primary phase, the 66 schools comprise:

- 8 Infant schools (4 - 7)
- 7 Junior schools (8 - 11)
- 51 Combined Primary schools (4 - 11)
- (Within these schools are 14 Nursery Classes (3 - 4))

Of these:

- 20 Voluntary Controlled schools (Church of England),
- 14 Voluntary Aided schools (11 x Church of England and 3 x Roman Catholic)
- 32 Community schools.

There are also:

- 2 Special Schools (2 - 19)
- 2 Community Nursery Schools (3 - 4)
- 2 Pupil Referral Units

In the Secondary phase, the 10 comprehensive schools (age 11-18 years) comprise:

- 6 Community schools
- 1 Voluntary Aided school (without a religious character)
- 3 Foundation schools

Encouraging Diversity

- 1.12 The LA recognises that local communities are diverse and supports the local management of schools. This means that schools need to serve their local community and where the needs of the community are best served by some specialism or federated/trust type governance, the LA will support it.
- 1.13 The current pattern of school provision includes Faith schools and Foundation schools. The governors of these schools as well as the Catholic and the Church of England dioceses work closely with the Council. New categories of school introduced in recent years include Trust schools, which are Foundation schools with Trust governance, and Academies which were subject to new legislation from July 2010.
- 1.14 There is currently good diversity in school provision in West Berkshire and the Council is committed to maintaining such provision in the future. All the secondary and special schools have at least one specialism. All secondary schools have Sixth Forms. A list of schools and their specialisms are shown in the table below:

School Name	Specialism(s)
Denefield School (F)	Technology
The Downs School (F)	Language
John O Gaunt Community Technology College	Technology
Kennet School	Technology; Modern Foreign Languages; Theatre Arts
Little Heath School (VA)	Science and Maths
Park House School and Sports College	Sports
St Bartholomew's School (F)	Business & Enterprise
Theale Green Community School	Arts; Science
Trinity School and Performing Arts College	Performing Arts
The Willink School	Language
Brookfields School (Special)	Cognition and Learning
The Castle School (Special)	Communication and Interaction

F = Foundation school
 VA = Voluntary Aided school

Appropriate School Size

1.15 School size is becoming an increasingly important factor in discussions concerning school effectiveness, particularly those concerning cost-effectiveness. School sizes are often referred to in terms of a number of Forms of Entry (FE). Each Form of Entry is regarded as referring to a group of 30 pupils admitted as a single year group; therefore a 1FE school would admit and contain a maximum of 30 pupils at the normal point of entry and in each year group. Schools, depending on their capacity, may be able to admit multiples of this figure each year, including half forms of entry where appropriate (i.e. 1.5 FE = 45 pupils). A study on 'Better Schools' (1985) concluded that:

- 5-11 schools where possible should be at least 1FE (form of entry);
- 7-11 schools where possible should be at least 2FE;
- 11-16 schools with 5FE or fewer would be unlikely to offer a good curriculum without disproportionately generous staffing; and,
- Sixth forms should have at least 150 students.

More recently, the Council's Primary Strategy for Change document reiterates the desire for schools to be multiples of 1FE. The Audit Commission have suggested a minimum sixth form size threshold of 160.

1.16 West Berkshire Council plans school places in appropriate school sizes that will support:

- Adequate curriculum coverage and curriculum choice
- Viable and sustainable schools which do not require disproportionate financial support
- Viable class organisation structures
- Adequate non-contact time for staff
- Sustainable sixth form provision where appropriate

Primary Schools

1.17 The rural / urban split across the LA area means that there is not a standard pattern of provision in terms of size of school. This is considered to be a strength because it allows for variability and flexibility to match number of school places to local conditions, rather than adhering to formulaic fixed and often inflexible sizes of school that could result in inefficiencies.

1.18 In West Berkshire, the size of a school is aligned to the Pupil Admission Number based on the net capacity of the school. The emphasis in existing schools is on the provision of schools of sufficient size, good quality and standards to deliver the high quality education in a cost-effective manner.

1.19 The optimum size for new Primary Schools is within the range of 210 places to 420 places (1FE to 2FE) ¹and the Council will seek to open new "all-through" primary schools of 1, 1.5 or 2 forms of entry. However, the final determination will be made on a case by case basis.

¹ This number excludes nursery, e.g. F1 stage

Table 1.19 Primary School Sizes

Admission number	Below 1/2 Form Entry	1/2 Form Entry	1 Form Entry	1 1/2 Form Entry	2 Form Entry	2 1/2 Form Entry	Above 2 1/2 Form Entry
No. of schools	6	16	18	6	15	1	4

Secondary Schools

1.20 At the secondary school level, school size varies across the LA, with admission numbers ranging from 120 to 280 pupils. The Audit Commission has suggested that a secondary school as one with 600 or less pupils could be regarded as a small school. Furthermore, it has indicated the optimum size for an 11-16 age secondary school as between 900 to 1200 pupils. The size of secondary schools in the authority is based on individual circumstances, resulting in a wider range of admission numbers. Table 1.T2 below shows the range of secondary school sizes by the number of forms of entry.

Table 1.20 Secondary School Sizes

Admission number	4 Form Entry	5 Form Entry	6 Form Entry	7 Form Entry	8 Form Entry	9 Form Entry	10 Form Entry
Number of schools	1	0	4	1	2	1	1

Special Schools

1.21 Special schools need to be of a sufficient size to provide the necessary opportunities for the needs of the range of pupils they admit, and to be able to act as resource/outreach centres for other schools and pupils. Their optimum size will depend on the age range of pupils and the types of special educational needs that they cater for. The LA has two special schools which take children with severe/profound/multiple learning difficulties across the age range of 2-19 years. In cases where the type of special educational needs cannot be met within the LA, the appropriate special school or special setting is sourced in other Local Authorities.

Small Schools

1.22 There is no agreed definition of what constitutes a small school and the term is used in different ways with parameters set differently for different reasons. The Audit Commission have referred to primary schools with 90 pupils and secondary schools with 600 or less pupils as small schools. The predominately rural nature of the LA area means that there are a large number of small rural schools. On the basis of the Audit Commission's definition, 20 out of the 66 primary schools (30%) in West Berkshire would be considered as small schools.

1.23 West Berkshire has undertaken a Small Schools Review using the parameter of schools with less than 100 registered pupils. The Council is committed to supporting small schools and the Review focused on strengthening the viability of small schools to deliver high quality education, with a focus on pupil entitlement and outcomes and community contribution. The outcomes of the review were:

- Review of the DSG formula and small schools' funding by the Heads' Funding Group/Schools' Forum
- Encourage schools to explore the benefits of affiliations, creative partnerships and federations (structural and non-structural) where appropriate.
- Encourage the sharing of capacity and resources e.g. business managers and curriculum expertise
- Establish a set of broad criteria that could trigger a support and viability review to consider the best way forward for a school. These criteria would include pupil numbers and trends, standards, finance and Headteacher/staff recruitment issues.
- Develop an accommodation entitlement schedule, and assess schools against this. Deficiency to be added to capital programme criteria
- Develop a means by which innovative building solutions can be shared and school based projects can be offered project management support
- Review the feasibility of cooking meals on all sites
- Work with schools to promote and share community links

New Housing Developments

1.24 New housing developments usually increase demand in the system. Where developments are proposed in areas where pupil numbers are already at or over capacity, the effect of the all planned and actual developments are included in our assessment of impact. The process is further explained in the Council's Primary Strategy for Change and supplementary Topic Paper 3 for Education. The Capital Investment Strategy and School Organisation Planning take account of the sustainability and pupil forecasts of existing schools and explore how to plan for the required number of school places. The Council has a policy and process for seeking Section 106 contributions from developers and for using these for schools in the area affected by a development. These principles apply to new schools resulting from new housing developments as well as school relocations to new sites and onsite expansion works. In respect of major new housing developments and where the indicated pupil numbers warrant, the Council's policy is that:

- a new primary school should be provided with the development (in line with the approach on school size in paragraph 1.19)
- where developments are large enough to yield viable secondary school, a six form entry secondary school will be considered as a minimum requirement, where this will not create surplus places
- new schools should be within walking distance with safe walking routes for catchment area pupils, and with safe cycling routes for cyclists.

Capital Investment

- 1.25 Funding for additional capacity can be sourced in a number of ways including Basic Need bids to the DfE and private funding taking into account any borrowing approval requirements from the DfE. The Council also raises money from Section 106 contributions from housing developments as set out in the various Town and Country Planning legislation and regulations. The LA has developed a process for obtaining funding from housing developments (supplementary Topic Paper 3 for Education refers). This is an important source of funding school places. The Council should review the guidelines on use of funds to take into account the effects of parental preference on where the impact of new pupils is actually felt.

Accessibility of Schools

- 1.26 A key focus for the Council is to ensure that all pupils have access to high quality educational provision, irrespective of where they live and their social and personal circumstances. The LA provides for inclusion into mainstream education for the majority of pupils with a disability. However, there are a number of mainstream schools which host special needs resources bases for specific disabilities. The Council also maintains two special schools for pupils with specific needs which cannot be fulfilled in a mainstream setting. The Topic Paper 3 for Education also covers the position on S106 contributions for SEN.
- 1.27 In terms of general accessibility of buildings, in line with statutory requirement, work has been undertaken to modify entrances to and access within many schools, improving toilet facilities and providing wheelchair accessibility. Accessibility work remains ongoing.

Schools in the Wider Community

- 1.28 All West Berkshire schools offer extended services either through direct delivery of signposting. The range of services include:
- A safe place for children to be from 8 am - 6 pm
 - Parenting support
 - Study Support for school age children and young people through a varied menu of activities
 - Swift and easy access to support services
 - Community access to school sites outside school hours
 - Provision of adult and family learning

Meeting Special Educational Needs

- 1.29 Special Education provision is provided through:
- Two Special schools for severe, profound and multiple learning difficulties, and learning difficulties associated with an autistic spectrum disorder. There is not a fixed admission number and admission is dictated by appropriateness of placing. These schools take Nursery, Primary and Secondary aged children 2 – 19 years.
 - Specialist SEN Resources attached to schools. There are 7 SEN Units attached to Primary schools and 4 SEN Units attached to Secondary Schools.
 - Inclusion in mainstream education at mainstream schools where possible.

1.30 Within the primary phase there is a suitable and sufficient range of resourced provision to meet current and expected needs, as follows:

Type of Provision	Location of Provision
Autistic Spectrum Disorder (ASD)	Theale Primary School
Language and Literacy (LAL)	Theale Primary School
Hearing Impaired (HI)	Westwood Farm Infant and Junior Schools
Physical Disability (PD)	Speenhamland Primary School
Speech and Language (SAL)	The Winchcombe School
Language and Literacy (LAL)	The Winchcombe School

There is one centrally located primary Reintegration Pupil Referral Unit which is attended on a part-time basis. There are currently sufficient places to meet service needs.

- 1.31 The Council's has made a commitment relating to the inclusion of pupils with SEN into mainstream schools. For example:
- Nursery pupils from the Castle special school are co-located with Victoria Park Nursery.
 - Primary schools are part of a rolling programme to increase accessibility to their premises.
 - Opportunities to expand the Resource Base (ASD) at Theale Primary school are being explored
 - Co-location of Castle post-16 on College site
 - Provision of resources supporting inclusion in mainstream schools and the co-location of the special schools will be considered within the Primary Strategy for Change programme.

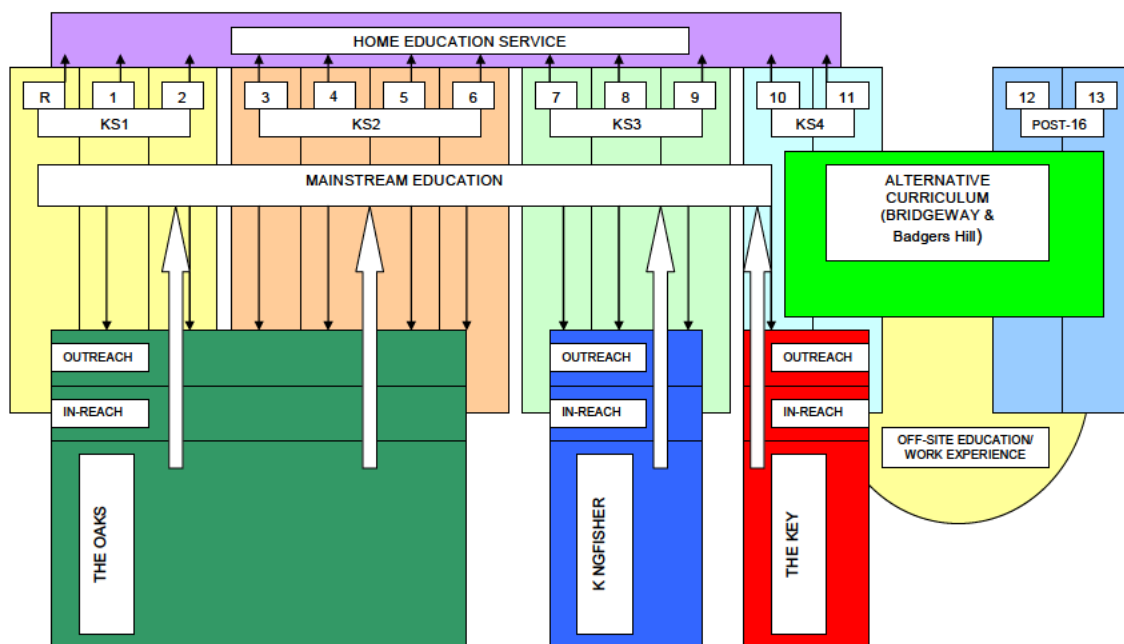
1.32 Within the secondary phase there is a suitable and sufficient range of resourced provision to meet current and expected needs, as follows:

Type of Provision	Location of Provision
Autistic Spectrum Disorder (ASD)	Theale Green Community School
Hearing Impaired (HI)	Kennet School
Physical Disability (PD)	Kennet School
Specific Literacy Difficulty	Trinity School

1.33 Within the West Berkshire area, there are also non-maintained providers, such as Mary Hare School for Hearing Impaired. The Council will place children with very specialist requirements outside the LA if they require very specialised facilities, but the number of pupils in this category is small.

Reintegration Service and Pupil Referral Units

1.34 West Berkshire operates two Pupil Referral Units: Alternative Curriculum (14-19 Key Stage 4 – that includes Badgers Hill, Bridgeway and The Porch) and the Reintegration Service (that includes The Oaks, Kingfisher, The Key and the Home Education Service as well as various assistance with In-reach and Out-reach support). The Reintegration Service provides short stay facilities as the focus is on re-integration into mainstream education as quickly as possible. The detail of how this provision links with mainstream education is shown in the diagram below:



The expansion of successful and popular schools

- 1.35 Some schools are more popular with parents than others and parents can be disappointed if they do not secure a place for their child in their preferred school. In an effort to satisfy parental preference, the DFE has encouraged the expansion of popular schools by giving guidance that the existence of surplus places should not be used to prevent the addition of additional places to popular schools. The LA is committed to examining ways of increasing parental choice in school admissions and ensuring that places are located where parents want them.
- 1.36 In West Berkshire, school place planning policies and procedures are tailored to schools expanding when a number of indicators become apparent, such as:
- Where a school is unable to accommodate catchment area pupils at the first point of entry
 - Where infant class size regulations cannot be maintained and there are no spaces in schools within 2 miles
 - Where there is an observed rise in Reception Year intake that takes a school above its published admission number and a rise is sustained for three years, taking into account the number of catchment area pupils in that year.
 - Where the output of brown-site in-fill housing developments result in increases in catchment area pupils arriving at the school is observed and peaks at a level above the planned admission number
 - Where the site of a school with rising catchment pupils participation allows for proportionate expansion, taking into account the points above.
 - Where the provision of an additional classroom will not lead to surplus places or the filling of those places by children who have to travel a long distance to the school.

Admissions Issues

- 1.37 The School Admissions and Transport team administers admissions to schools through the West Berkshire Co-ordinated Admissions Scheme, in line with the requirements of the School Admissions Code 2010. Legislation requires that admissions to all types of schools in an area, whether Community, VC, VA or Foundation, are co-ordinated and administered by LAs. The LA also manages the In-Year co-ordination of admissions of school age pupils who arrive in the area during the academic year or wish to transfer schools.
- 1.38 An In-Year Fair Access Protocol exists to manage the appropriate allocation of school places when no school places exist for new arrivals or where transfers are considered in the interest of the pupils, with decisions taken by a Pupil Placement Panel (PPP); this also ensures that no school receives more than their fair share of difficult or challenging pupils. Other legislation which affects admissions includes the:
- requirement to maximise parental preference for school places
 - independent appeals process; decisions from which must be accepted by admissions authorities
 - Infant Class Size Legislation, which limits the class size to 30 children, the majority of which are 4, 5 or 6 years old, being taught by a single qualified teacher. Infant Class size continues to be an issue in some areas, where alternative places are not easily accessible.

Response to Parental preference

- 1.39 It is the Council's policy to meet parental preference wherever this is possible for all school admissions at any time of the year, in accordance with the requirements of the law. The Council had developed robust oversubscription criteria which are applied consistently to achieve fair school places allocation outcomes for Community and VC schools. Admission arrangements are consulted on and agreed annually by Council members for Community and VC schools and by governing bodies for VA and Foundation schools. These include the oversubscription criteria which will determine how places will be allocated for each school.
- 1.40 In West Berkshire, the wide diversity of types of schools in the LA makes it possible for a large percentage of parents to be allocated their first preference school. On average 83% of parents gain their first preference for primary school and 90% their first preference for secondary school. The admissions team works consistently with headteachers and all governing bodies, including those that are their own admission authorities, in order to achieve a system that maximises parent's ability to gain their preferred schools, bearing in mind admission numbers and capacity of schools as well as the need to provide effective and efficient education for all pupils.

Early Years and Childcare

- 1.41 In West Berkshire all three and four year olds have access to the 15 hours Free Entitlement to early education and care through the delivery of EYFS (Early Years Foundation Stage). The Free Entitlement is available in maintained nursery classes and schools, pre-schools, day nurseries, private nursery and independent schools and with accredited childminders. West Berkshire currently has 2 nursery schools, 13 schools with nursery classes and 87 PVI (private, voluntary and independent) settings. West Berkshire operates a single point of entry into school for children once they are 4 years old. This place may be deferred until the child reaches statutory school age.

- 1.42 Sufficiency of early years' provision is assessed every 3 years. This is a statutory duty within the Childcare Act 2006. The 2008 audit found that:
- There is currently sufficient childcare, including early education places, for children under 5 in West Berkshire;
 - Transport is an issue for families where early years provision is not within walking distance; this particularly affects rural areas.
- 1.43 Sure Start Children's Centres exist across West Berkshire offering a range of services to meet the needs of 0-5 year olds and their families. Services operate from the centre and through outreach into other communities. This is particularly important in rural areas. Information regarding early years provision is available from the Family Information Service at www.familyresourceserviceuk.org or 0800 3289148

Collaboration for provision to pupils aged 14-19

- 1.44 West Berkshire Council is committed to working in partnership with schools and colleges regarding the provision of 14-19 opportunities in the county. Strategic planning for post 16 provision reverted to the Local Authority from April 2010. West Berkshire Council works closely with schools, colleges and work-based learning providers to ensure that post-16 provision responds to the changing national agenda and meets local need.
- 1.45 The LA offers 14-19 education in its secondary schools, with each school having 6th form provision. Provision is also made at both special schools in the area and in an Alternative Education PRU. Newbury College offers further education opportunities. There is also access to colleges outside of the West Berkshire area within reasonable travelling distances.
- 1.46 The statutory change to raise of the age of participation to 18 from must also be factored into school place planning. The change is being phased in and will raise the education leaving age to 17 in 2013 and to 18 from 2015. Although many 16+ students may prefer to undertake work based learning, there could be a growth of students staying on at school, or on the role of the sixth form whilst attending other institutions for course elements. As reforms of the 14-19 agenda continue, the Council will develop plans to ensure that adequate, high quality facilities are available to support emerging requirements.

MANAGING THE SUPPLY OF SCHOOL PLACES

School Capacity

- 2.1 There is a statutory requirement for each local authority to provide sufficient school places. Discharging this duty can involve opening new schools or adding places to existing schools where extra capacity is required. It also involves rationalising school sizes, and considering federations, amalgamations and closure, as well as reducing surplus places where required. The challenge for the local authority is to provide the right number of places in the right locations at the right time.
- 2.2 Where a sudden unexpected increase in demand for school places is observed, it will be considered as a temporary increase. Temporary one year increases will be managed by means other than increasing building capacity until a sustained pattern/trend can be established. Trends cannot be discerned from single year occurrences. This approach should avoid costly permanent classroom construction and the potential outcome of excessively increasing surplus places, especially where surplus places may already be high in neighbouring schools.
- 2.3 An increase in the capacity of a school should normally only be justified where it can be shown that there are not enough places within a planning area of a two-mile radius for infant and primary schools, three miles for secondary schools, depending on the availability of safe walking routes. Consideration of increasing capacity should also be based on whole school figures across the year groups, not just reception classes, unless infant class size would be compromised; schools are required to manage their space available and size can be controlled by changes to admission numbers where necessary. Annual monitoring of a school capacity allows for the re-assessment of capacity and admission numbers for consultation during the school admissions annual consultations each autumn.
- 2.4 Variations in school admission numbers within an admission year would normally have to be approved by the Office of the Schools Adjudicator. Therefore in-year changes to admission numbers will not be supported except where there are unforeseen circumstances. In deciding where to add capacity, consideration will be given to the following:
 - securing suitable provision for all children, including those with special educational needs
 - pupil place forecasts
 - actual demand and use of available places from census data
 - lack of availability of spaces in the areas defined above in other local schools
 - expanding successful and popular schools on the basis of legislative guidance and responding to parental demand, where justified.

Such considerations will take into account the suitability of a school's buildings for expansion, including:

- the number of surplus places in adjacent catchment areas or schools within a 3-mile radius
- the size of school
- the sufficiency of playing field space
- the likely impact of an expansion on the local community and on community cohesion
- sustainability issues, including extra car journeys and other pupil transport issues.

- 2.5 Primary schools in West Berkshire generally serve their local communities and normally children living within a local area will have priority for admissions. Wherever possible provision of school places should be in the area where demand is high and should be accompanied by reduction of places and other measures in the areas of least demand.

Decreasing Capacity and Removal of Surplus Places

- 2.6 There is a requirement on local authorities to reduce surplus places although it is recognised that some surplus places are necessary for the smooth operation of placing pupils in schools during the academic year. In LA inspection work, Ofsted and the Audit Commission set criteria for a 'good' authority, which included achieving a low number of surplus places. This means less than 10% surplus overall for a local authority and no more than 25% surplus for any individual school.
- 2.7 It is not possible to eliminate all surplus capacity. A certain level of surplus places is advantageous because:
- it allows greater opportunity to respond to parental choice
 - there may be unpredicted changes to demographic patterns, with a sudden influx of children to particular areas
 - there may be special circumstances in some areas
 - in some areas, changes in the state of the economy affect the number of children leaving the state sector for the independent sector.
- 2.8 West Berkshire Council should develop a formal policy for the removal of surplus places by exploring strategies that would effectively reduce excess places where this is required, linked to workable cost effective strategies for moving places to where they are needed. In order to achieve this, an annual review is required to identify places that are not needed. Such a review would take into account trends in data, such as analysis of:
- demand for school places in the LA and the source of that demand
 - pupil migration and mobility within and into the local authority
 - forecasts
 - parental preferences
- 2.9 The reduction of surplus places is important to make best use of revenue funding and to open up capital funding opportunities for improvements. Proposals to remove surplus places should take account of the quality of education provided, parental preferences and community use of the premises. To date, some reductions have been made through:
- amalgamating junior and infant schools
 - amalgamating secondary schools
 - using excess space for extended school activities and Children's Centres
 - remodelling space use within schools to provide ICT suites and other learning support activity areas
 - decommissioning of general teaching areas.

Table 2.09 shows the number and percentage of school places as well as surplus places by category of school.

Table 2.09 Number of Places and surplus places by school Category- 2009

Category	Primary Places	Primary surplus (%)	Secondary places	Secondary surplus (%)
Community	8041	10%	7199	9%
Foundation	N/A	N/A	3902	3%
Voluntary Aided	2152	4%	N/A	N/A
Voluntary Controlled	2670	10%	1665	0%

- 2.10 Net capacity calculations produce both a physical capacity number for the school as well as an indicated admission number within a range. Calculations for all schools in the authority were carried out in 2006 as part of the Surplus Places return to the DCSF. The review of net capacity calculations is a major tool in establishing a decrease or increase in required admission numbers, and these are carried out on an individual basis for schools when required to take account of changes of space usage.
- 2.11 One way to decrease capacity would be to consider school reorganisation; this may involve the opening of a new school to replace a failing school or an amalgamation with or expansion of a neighbouring successful one. The particular circumstances would dictate if there would be a need for decrease or an increase in provision and if this possibility would improve the teaching and learning for the affected community.

Increasing Capacity

- 2.12 In addition to considering how to reduce surplus places in some areas of the LA, the Council must also consider actual and potential under supply of school places in other geographical areas, taking account of trends and available data, such as school forecasts, housing data, birth and GP registrations and parental preferences. When reviewing primary school provision, the possibility of a reorganisation to bring school admission numbers to a full form entry will always be considered. Where there is a demonstrable need for additional places, consideration will be given to the possibility of expanding existing successful and popular schools in the area. Where additional accommodation is required for a relatively short time, for example to accommodate an unusually large year group, or to provide temporary capacity whilst a new school or school amalgamation site is being constructed, temporary classrooms may be used. However, permanent accommodation will be used, wherever possible, where growth is likely to be sustained for the foreseeable future and there is a long term need. Wherever there are proposals to increase, reduce or reorganise school places, there will be consultation with the governing bodies, staff, parents, the Admissions Forum and other interested groups in the community.

- 2.13 The main school reorganisations that can increase the number of school places in an area are the building of new schools, expanding existing schools and mergers of schools. Recent legislation has introduced the concept of a competition between possible promoters for the right to open a new school, although some exceptions exist. New schools which are a result of a reorganisation, amalgamation or the replacement of existing schools may not require competitions. Academies are also outside the competition arrangements. Many factors are taken into account when considering the location of new schools and the LA aim to ensure is that schools are located within communities or within new developments. Ideally these will be within walking distance for pupils in that community, with safe walking and or cycling routes as well as being connected to public transport as much as possible.
- 2.14 New housing developments often have the effect of increasing demand in a system. Due to this, any decision on the placement of housing should take into account the effect of the type of developments on school places in the authority. There is an expectation that the impact of new developments on school places should be addressed by the development itself. This means that as far as possible the cost should fall on the landowners and/or developers through contributions within planning obligations. Capital investment strategy and school organisation planning must therefore take account of the sustainability of schools within any strategic planning. It therefore follows that school place planning should have a direct input into such plans, including the Local Development Plan.
- 2.15 The current legislation has placed a presumption for approval of proposals to expand places at successful and popular schools, if there is a strong case for these additional places. This is always considered within the context of local area capacity and effect; however, the LA is then expected to consider parallel action to remove the surplus capacity should they be created elsewhere.

Pupil Forecasts

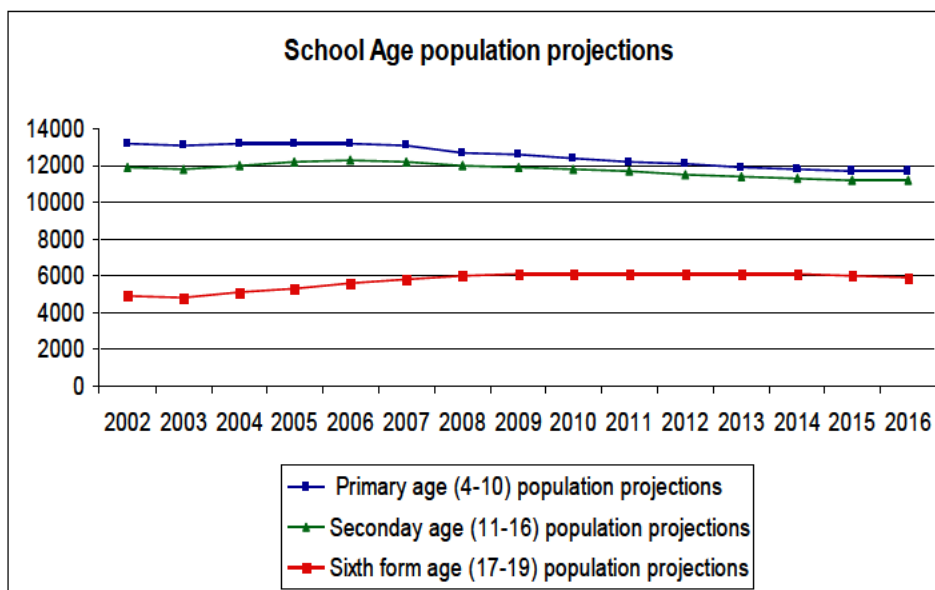
Population Overview

- 2.16 West Berkshire has a total population of just over 144,000 people living within the urban areas of Thatcham, Newbury and Hungerford, Tilehurst and Calcot. The Office for National Statistics (ONS) gives the population projections for West Berkshire as:

Year	Total population
2001	144494
2006	147955
2011	152851
2016	156574

- 2.17 The largest increase in population by 2016 is projected to be in older age groups of 50 and above but the total school age population in West Berkshire is projected to decline. For example, school age population projections from the Office of National Statistics (ONS) compared 2002 pupil numbers against projections for 2016 pupil numbers and indicated that:
- the number of 4-year old pupils would decline from 1895 to 1655 (Reception Year)
 - the number of 5-year olds pupils would decline from 1809 to 1607 (Year 1)
 - the number for 11-year olds pupils would decline from 2011 to 1787. (Year 7)

Graph 2.17 School Age Population projections to 2016 (resident population)



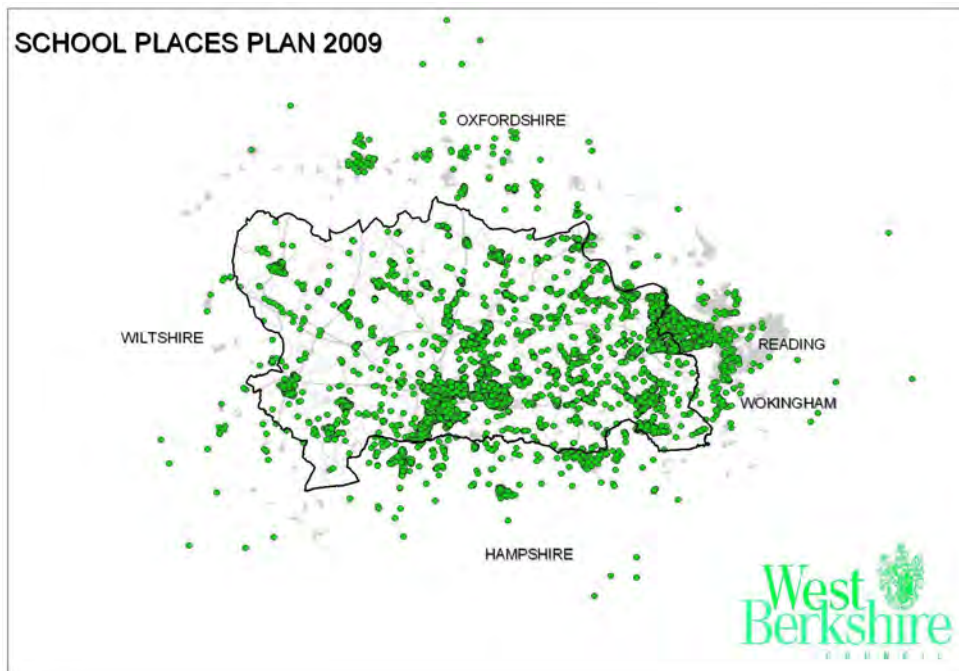
2.18 Graph above shows school age population projections from the Office of National statistics (ONS), showing a declining trend in school age pupils in West Berkshire, in the medium and long term. The Joint Strategic Planning Unit Unit's population in Berkshire review projects the 0-15 year old population for West Berkshire as shown in the table below, and confirm the projected declining trend in numbers. It should be noted that any decline in the resident school population could be ameliorated by cross-border applicants for school places.

Table 2.18 West Berkshire 0-15 year old population projections.

Year	0-4	5 - 15
2001	9,123	21,644
2002	8,830	21,725
2003	8,759	22,279
2004	8,684	22,567
2005	8,619	22,424
2006	8,505	22,143
2007	8,418	21,802
2008	8,337	21,503
2009	8,261	21,235
2010	8,185	20,979
2011	8,119	20,730
2012	8,078	20,510
2013	8,050	20,275
2014	8,070	20,136
2015	8,106	20,049
2016	8,154	20,052

Pupil Migration and Mobility

- 2.19 Pupil mobility refers to the distances and patterns of transportation undertaken by children to attend schools on a daily basis, some of which are of a considerable distance given the rural nature of the area.
- 2.20 One level of pupil mobility that affects school places in West Berkshire is the significant movement of pupils who are resident in neighbouring local authorities who commute daily across the LA borders in order to attend schools in West Berkshire. There is high level of inward migration of pupils into West Berkshire from other LAs at both Primary and Secondary school. This is most pronounced on the Eastern border of the LA at both primary and secondary level, with other appreciable levels of inward migration on the Wiltshire and Oxfordshire borders (Secondary) and the Hampshire border (Primary). The most significant movement of pupils at both primary and secondary levels into West Berkshire is from Reading Borough Council. In some primary schools, places used by non-resident pupils averaged 40% of the provision (source 2008 WBC data). In some secondary schools the demand from neighbouring authorities is very high with over 50% of pupils being from neighbouring LAs.
- 2.21 In some areas of the LA, there is significant internal pupil mobility, often driven by parents seeking places at the more popular schools; affecting mainly the urban areas of Newbury and Thatcham. This type of internal pupil mobility affects the demand for school places in specific schools and the planning for school places to be available in line with parental preferences and where they are needed. It is worth noting that the LA is funded for the pupils they have on roll i.e. there is no inter-authority recouping of funds for mainstream provision, other than for statemented pupils.
- 2.22 Pupil migration refers to the situations where families move into different areas and specific catchment areas in the LA in order to secure a place at particular schools. This different type of movement also has an impact on school places and directly on the ability to meet catchment area demand for places at the local schools.
- 2.23 In terms of outward migration, the number of pupils who are resident in West Berkshire and go to schools in neighbouring LAs, is very small; on average less than 50 each year. Some of these are pupils seeking places at grammar schools in neighbouring authorities. The fact that West Berkshire schools are able to accommodate this level of inward migration demonstrates the level of over-capacity in the West Berkshire schools system. The scatter diagram overleaf shows the level of inward migration into West Berkshire schools. Each green dot represents a location/address where there is at least one child who attends a school in West Berkshire; and it is important to note that if there are 2 or more siblings at that address, the dots are superimposed and therefore there are more pupils than the visible countable dots.



Birth Data

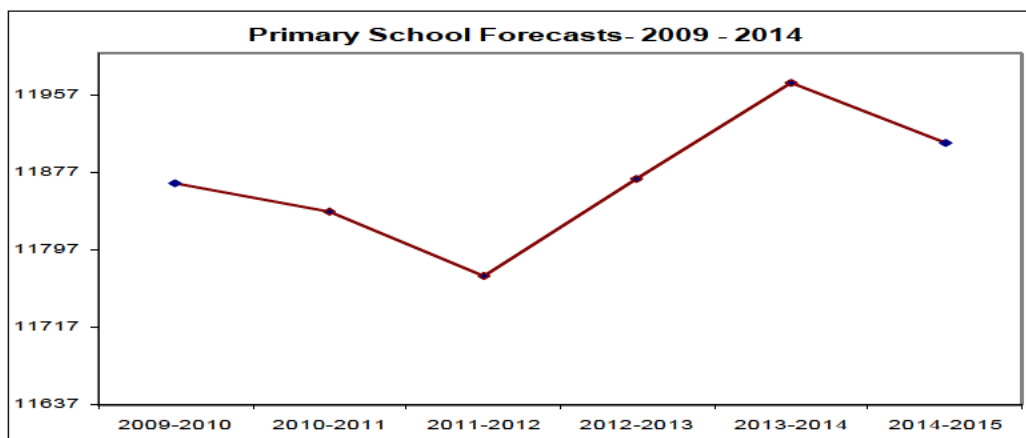
2.24 Birth data is used in forecasting methodologies in a variety of ways. It is usually assumed at a commonsensical level that the relationship between births in an area and the number of children requiring school places in that area is a straight forward one, but this is not the case. Although the assumption is a reasonable one, this pertains only if there is little movement in the population and although this was usual in the past, it is no longer the case. In addition to this, admission legislation has allowed greater flexibility for parents to seek and obtain places for their children in any school, even if it is not in the area where they reside or where the child was born. The ability and willingness of parents to transport their children some distance to schools increases this likelihood. In effect, therefore, an increase in birth in an area may not mean that school places need to be increased. The forecasting carried out takes account of these complex relationships. There are different types of birth data that can be used, including Office of National Statistics births projections, live birth data and strategic Health Authority data on young people registered with doctors (GP data). There is currently no correlation between birth in West Berkshire and the pupils arriving in the schools. If the trajectory of the actual intake continues to rise sharply, there will continue to be no correlation.

Primary School Forecasts

2.25 Currently, and for the last three years, there has been some targeted increase in places. In some parts of the LA, such as south Newbury and parts of Thatcham, there is a need to redistribute places due to both parental preference and the lack of school area space at some schools where it is not possible to expand in order to respond to rising demand. Indications are that there is an increase in families moving into this area but it is not clear whether this is ongoing growth. In the short and medium term a realignment of catchment areas would relieve the situation.

2.26 Forecasts of total pupil numbers have been very accurate. The variation between the forecasts for total primary pupil numbers for January 2008 and the accuracy of pupil projections in the January 2009 census was $\pm 0.2\%$. Graph 2.21 shows primary school forecasts to 2015. Note: these forecasts include all pupils in schools, including those who are from other authorities. The general trend is for numbers to fall in the near term until 2012, rise in the medium term and then fall from 2013.

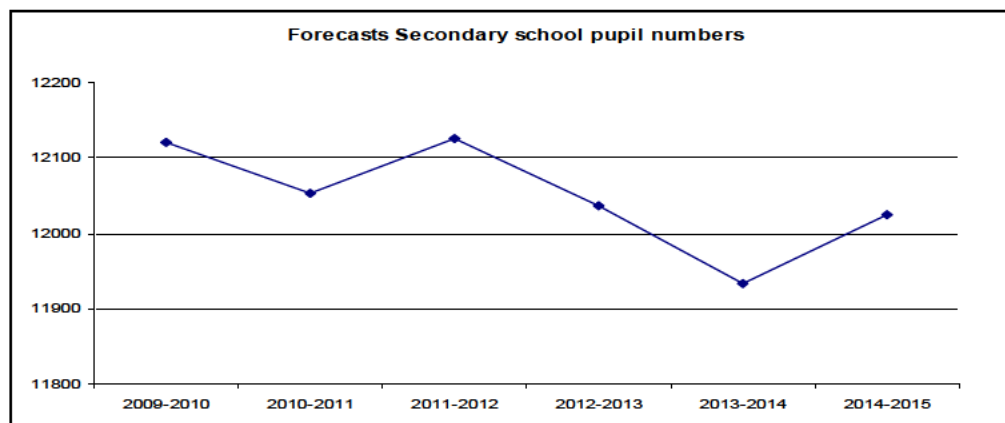
Graph 2.28 Primary schools Forecasts



Secondary School Forecasts

2.27 Forecasts for Year 7, the first year of secondary school, are based on the preceding Year 6 numbers in primary schools modified by admission numbers and net capacity. Differences between these and Year 7 numbers are attributed to out-of-area pupils entering schools in the LA at this phase. Forecasts suggest the total Year 7 numbers will remain within the net capacities as there is already over-provision at this level. The figures also suggest that total secondary pupil numbers have peaked compared to net capacity, therefore the LA will need to carefully decide whether to reduce places (and if so, when and where). All forecasts of pupil numbers are reviewed yearly and the total pupil numbers have been within the accuracy definitions of the Audit Commission ± 1.0 . Graph 2.23 shows secondary school forecasts. The general trend is for numbers to fall after 2014 but then to remain lower than for pre-2009.

Graph 2.28 Secondary Schools Forecasts



DEVELOPMENTS IN SCHOOL ORGANISATION SINCE THE LAST SCHOOL ORGANISATION PLAN

Changes to Primary Schools

- 3.1 Two schools, Dunstan Park Infant (Community) and Thatcham St Mary's Junior (Voluntary Controlled) schools were amalgamated to form Thatcham Park Church of England Primary (Voluntary Controlled) school.
- 3.2 Two schools, Winchcombe Infants and Winchcombe Junior were similarly amalgamated to create The Winchcombe Primary school.

Changes to Secondary Schools

- 3.3 School organisation changes that have taken place are listed below:
 - Under the pilot programme of the Building Schools for the future, West Berkshire was able to secure funding for the rebuilding of St Bartholomew's secondary school. This project is now completed.
 - Little Heath School changed category from Foundation to VA without a religious character.
 - Denefield school consulted on and adopted a catchment area for the school. This change means that all schools in West Berkshire now operate on a catchment area ethos.
 - There was a consolidation of the Hearing Impaired provision in the authority by the closure of the resources at Denefield school and at Park House school and the opening of a new Hearing Impaired resource at Kennet School.

Changes in Special Schools

- 3.4 There have been no school organisational changes to the organisation of special schools.

Changes in Early Years provision

- 3.5 Nursery Class provision at primary schools has reduced. There are now 14 nursery classes.

PRIMARY SCHOOLS – ANALYSIS BY SECONDARY SCHOOL CATCHMENT

Overview

4.1 In this section the total capacity for each area is compared to the forecast pupil numbers and conclusions are drawn about the sufficiency of places. The LA comprises a number of communities with differences between rural and urban localities; Newbury, Thatcham (urban), the East of the LA including Calcot (urban / peri-urban), West, North and South. School place planning in these localities is characterised by clusters of schools within the catchment areas of secondary schools. Area reviews allow a more targeted analysis of school places and give a better picture of the sufficiency/deficiency of places for an area. The total capacity for each area is compared to the forecast pupil numbers below in order to illustrate sufficiency of places and the relationship between provision and demand in smaller localities.

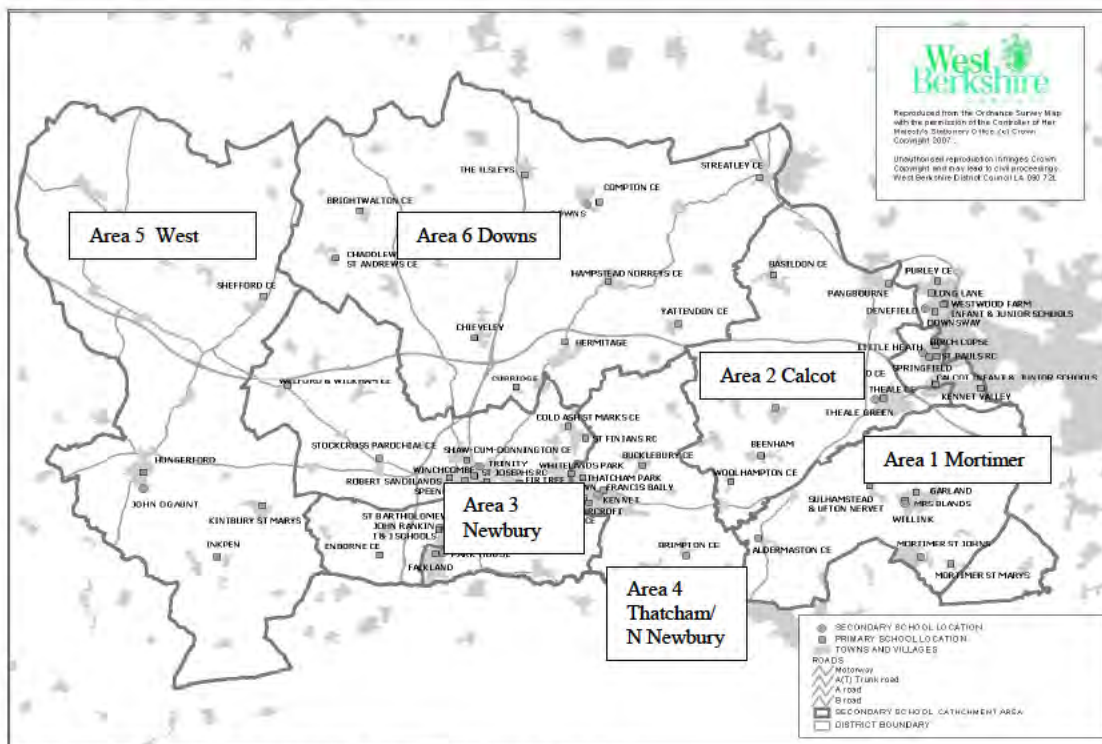


Table 4.1 number of schools and Capacity by area.

Number of Schools, Type and Capacity for each individual Area 2009						
	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6
Number of Community & VC schools	5	14	4	15	5	9
Number of VA Schools	2	4	3	3	0	2
Total number of schools in the Area	7	18	7	18	5	11
Total capacity in schools	1250	3750	1670	4154	905	1199
Total number of pupils on roll	1204	3481	1505	3774	772	1039
Total surpluses	5%	8%	11%	9%	15%	9%

AREA 1: BURGHFIELD / MORTIMER

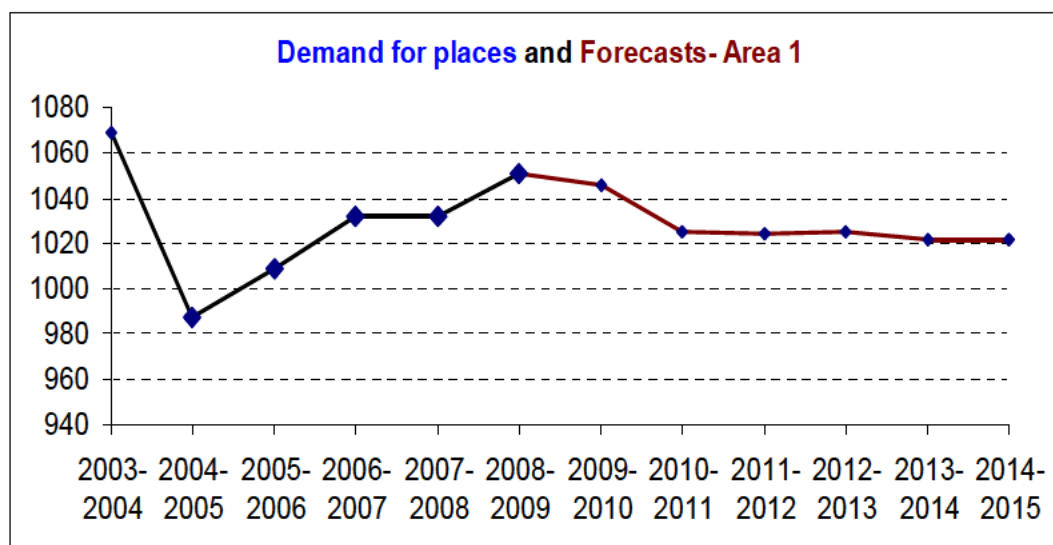
4.2 Seven (7) Primary Schools

- Aldermaston C of E Primary
- Burghfield St Mary's Primary
- Garland Junior
- Mortimer St John's C of E Infant
- Mortimer St Mary's C of E Junior (VA)
- Mrs Bland's Infant & Nursery
- Sulhamstead and Ufton Nerve C of E VA Primary

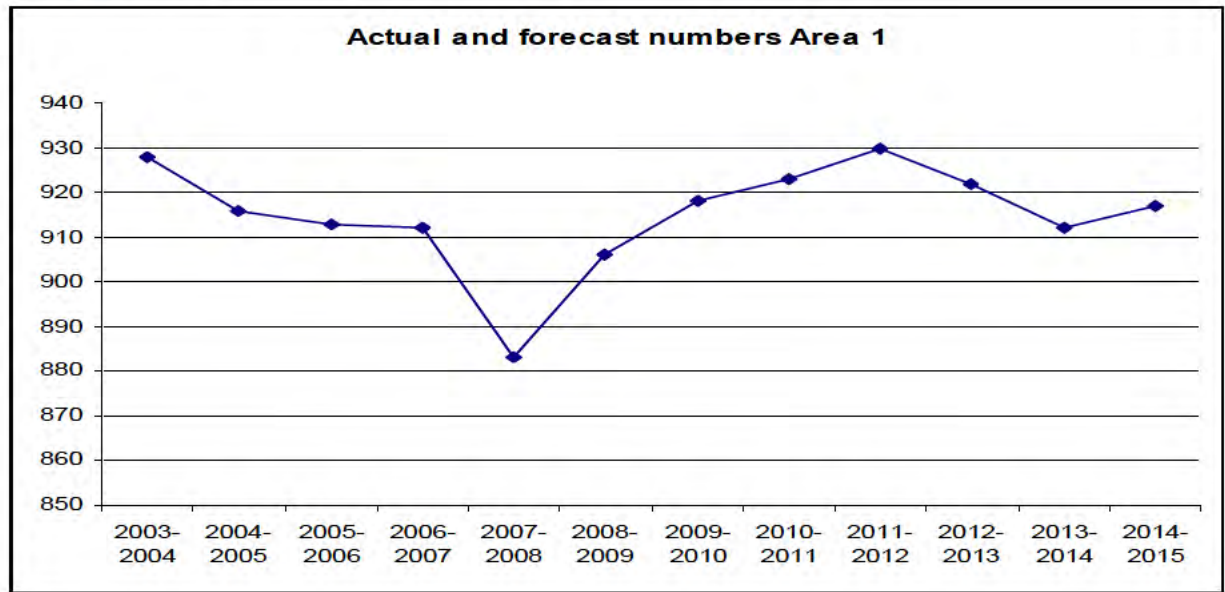
Area Characteristics

Number of Community and VC schools	5
Number of VA schools	2
Infant & Junior schools	4
Total capacity in area schools	1250
Total number of pupils on roll in area 2009	1204
Total surplus percent in the area	5%
Schools with no surpluses at all	3
Schools with surpluses below 10%	3
Schools with surpluses between 10 & 24 %	1
Schools with surpluses 25% and above	0

Demand and Forecasts

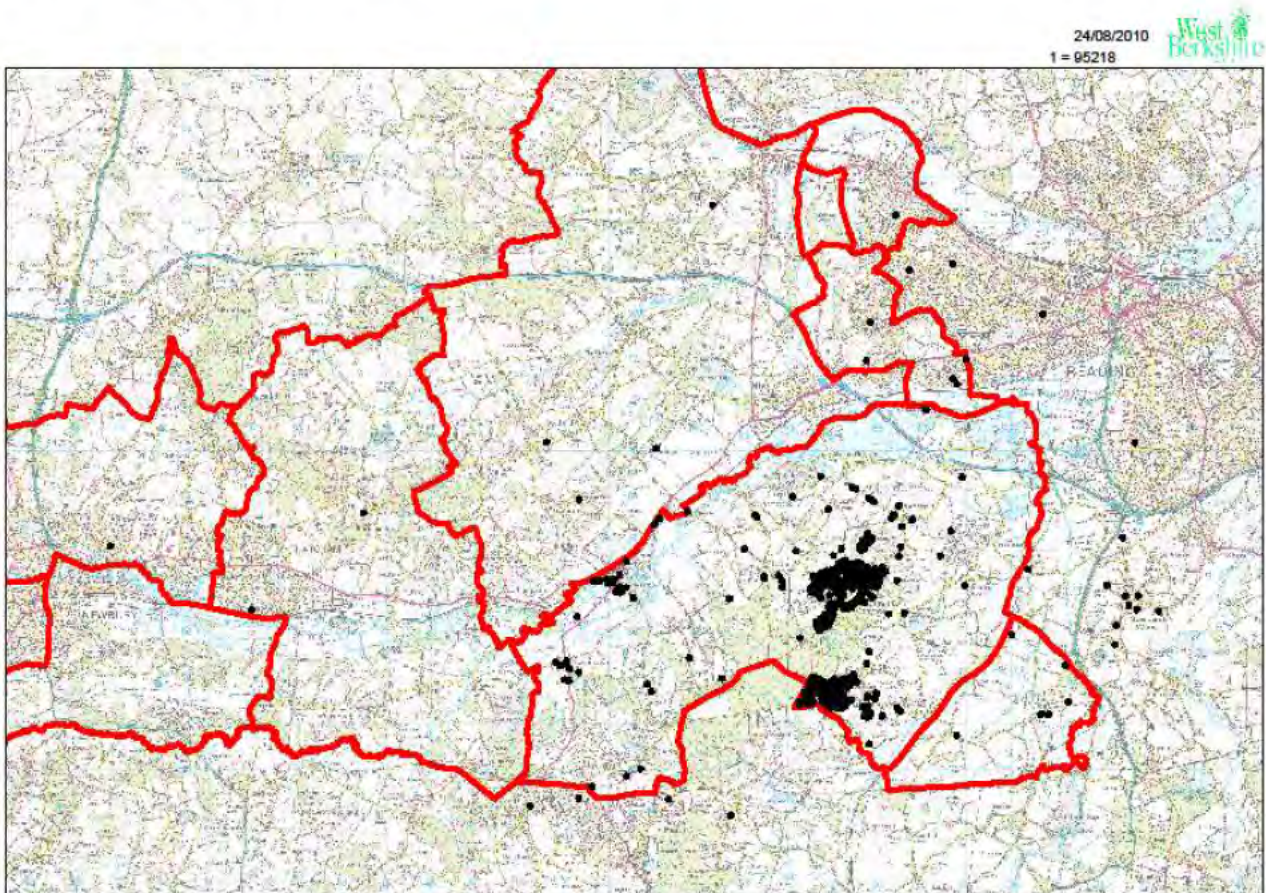


Secondary School - The Willink School



Demand for The Willink School

Pupils attending the Willink School



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AREA 1 - ANALYSIS

- 4.3 The 7 primary schools which service this area are heavily subscribed with 3 out of the 7 schools operating at full capacity and a further 3 being very close to full capacity. Mrs Bland's Infant and Nursery school has 15% surplus places (26 places). However, the overall surplus capacity in Area 1 is low at 5% (46 places).
- 4.4 There is currently pressure for places in this area and very little flexibility for admissions allocations. There is not sufficient space to expand at most of the schools in this area, and analysis shows that these schools are accommodating pupils from out of catchment. If numbers increased within the catchment area, this would be accompanied by a corresponding reduction in the number of out of catchment allocations. However, this could create pressure elsewhere in the West Berkshire schools system, unless the out of catchment pupils are cross-border applications. Demand forecasts up to 2015 indicate that the numbers in this area should remain comparatively stable. There is potential to increase capacity at Burghfield St Mary C of E Primary school which could accommodate an extra classroom and is taking out of catchment pupils. This additional capacity would increase flexibility in allocations across the Mortimer schools.
- 4.5 The Willink secondary school has the capacity to accommodate pupils from its catchment area. A recent increase in the Admission Number, within its net capacity range, should allow for the school to take all its catchment area pupils for the period to 2015.

AREA 2: EAST – CALCOT /TILEHURST

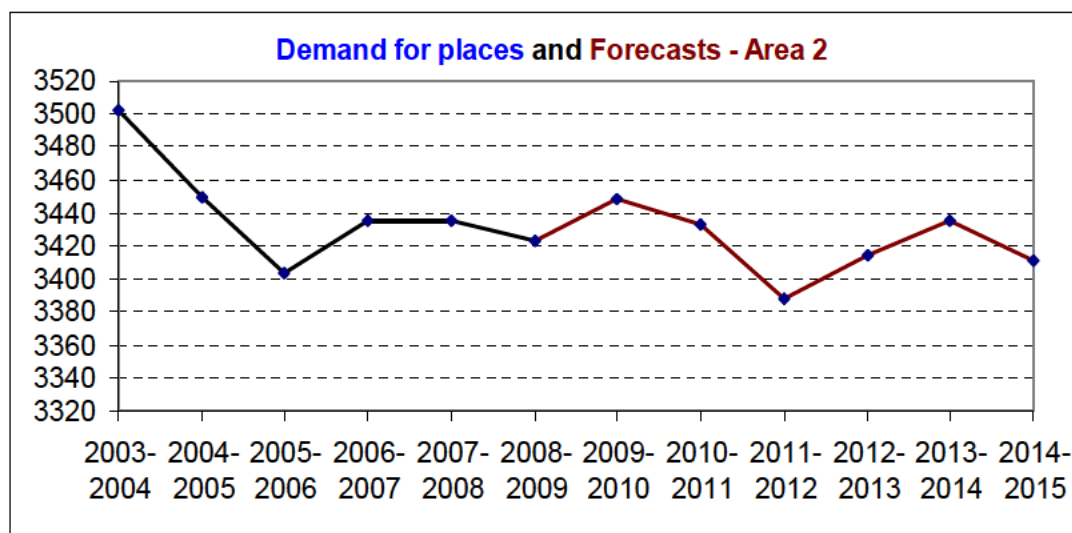
4.6 Eighteen (18) Primary schools

- Basildon C of E Primary
- Beenham Primary
- Birch Copse Primary
- Bradfield C of E Primary (VA)
- Calcot Infant School and Nursery
- Calcot Junior
- Downsway Primary
- Englefield C of E Primary (VA)
- Kennet Valley Primary
- Long Lane
- Pangbourne Primary
- Purley C of E Infant
- Springfield Primary
- St Paul's Catholic VA Primary
- Theale C of E Primary
- Westwood Farm Infant
- Westwood Farm Junior
- Woolhampton C of E Primary (VA)

Area Characteristics

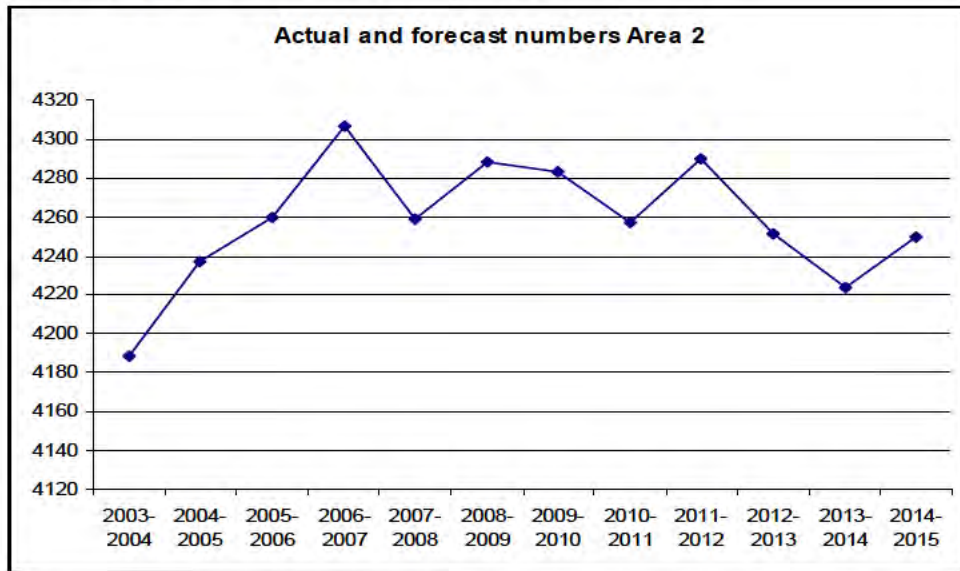
Number of Community and VC schools	14
Number of VA schools	4
Infant & Junior schools	5
Total capacity in area schools	3750
Total number of pupils on roll in area 2009	3481
Total surplus percent in the area	8%
Schools with no surpluses at all	6
Schools with surpluses below 10%	6
Schools with surpluses between 10 & 24 %	4
Schools with surpluses 25% and above	2

Demand and Forecasts



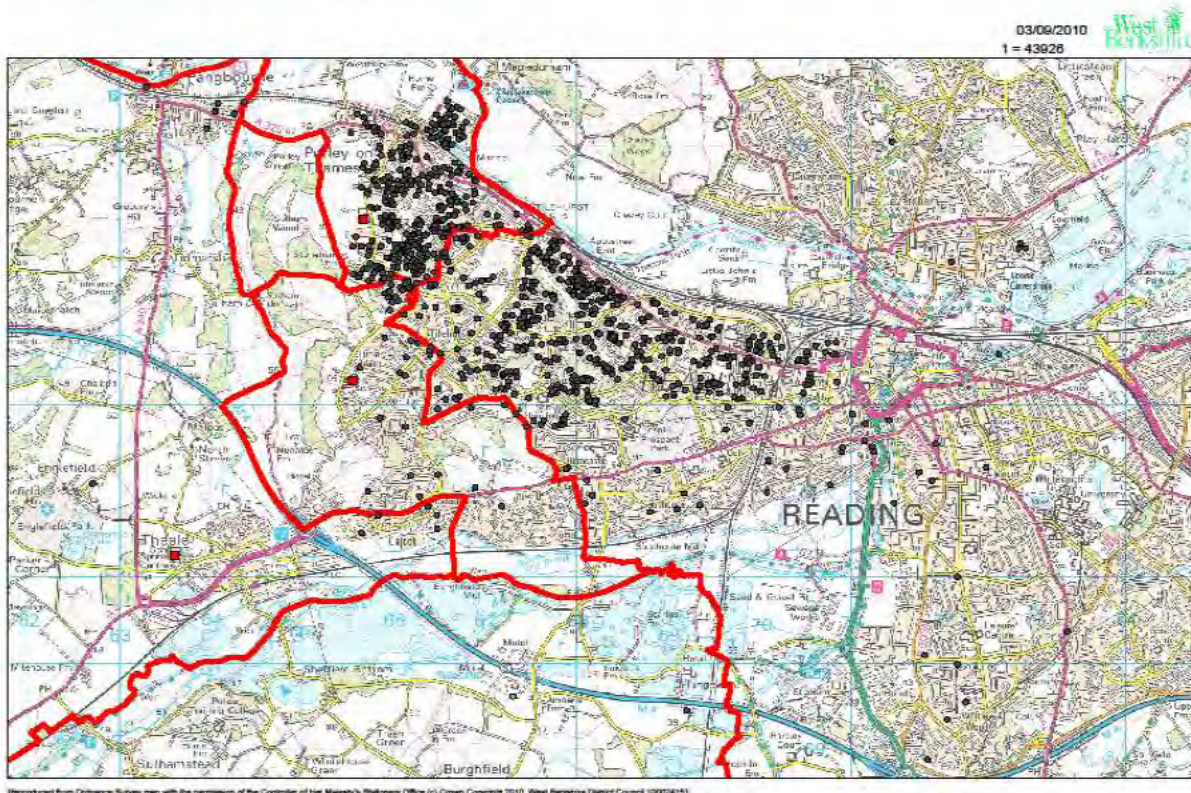
Secondary Schools - Denefield School, Little Heath School & Theale Green School

Total Number of pupils for the 3 secondary schools



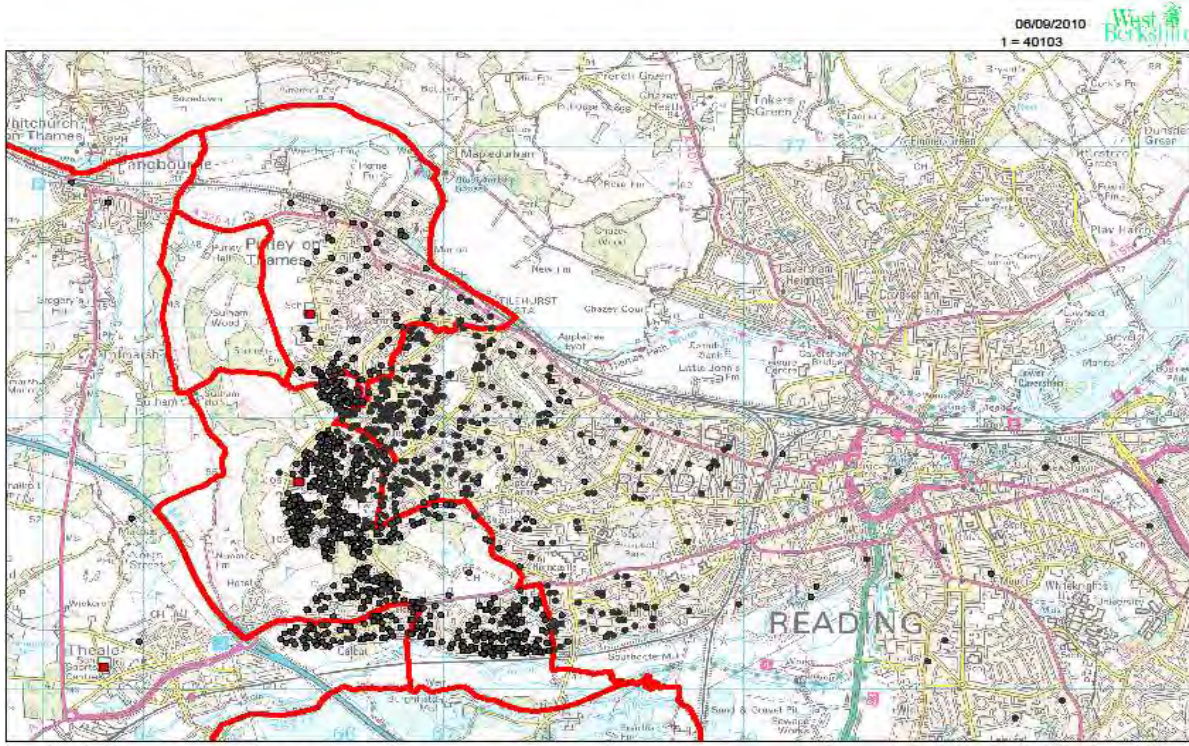
Demand for Denefield School

Pupils attending Denefield School



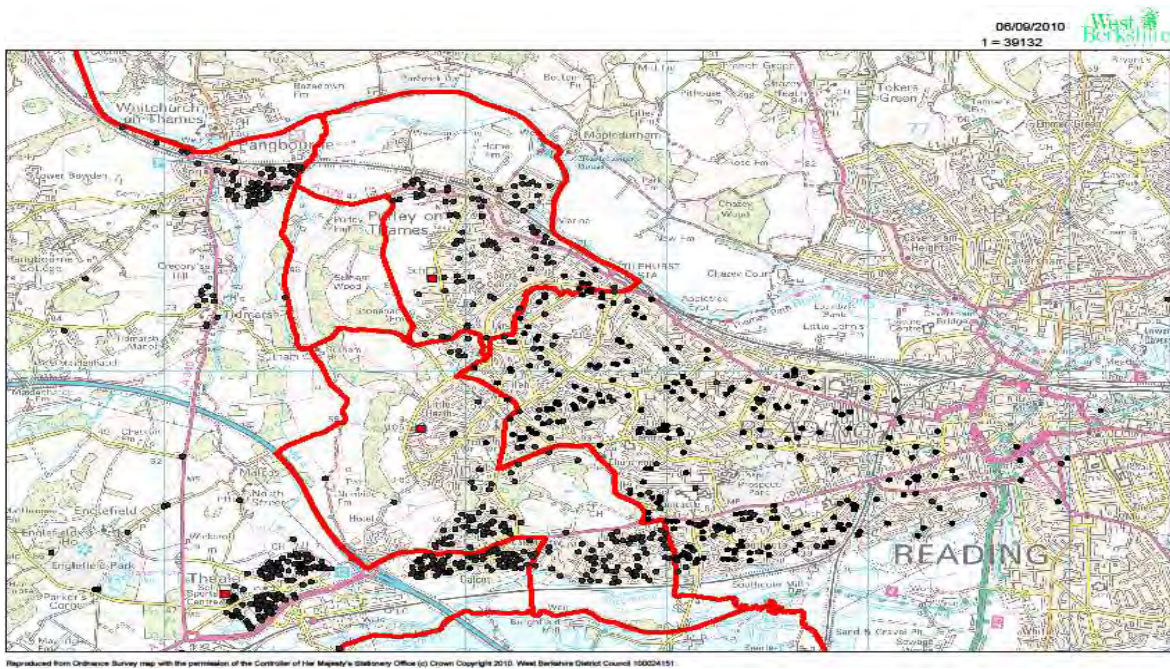
Demand for Little Heath School

Pupils attending Little Heath School



Demand for Theale Green School

Pupils attending Theale Green School



AREA 2 - ANALYSIS

4. 6 66% of the eighteen primary schools which service this area are heavily subscribed with six schools operating at full capacity and a further 6 being below 10% surplus places. Higher levels of surplus places are found at Calcot Infant school (32%), Calcot Junior school (26%), Basildon Primary school (21%), Beenham Primary school (18%), Woolhampton CE primary school (13%) and Bradfield CE Primary school (11%). The surplus capacity in Area 2, overall, is moderate at 8% (269 places).
4. 7 Calcot Infant and Junior schools are consulting on a proposal to federate. The development of a federated approach (if this proceeds after consultation) will be monitored to establish whether this impacts on surplus places and reduces spare capacity at these schools.
4. 8 There is a range of factors affecting to the provision and demand for places in this area. The area's geographical position leads to cross-border demand for pupils and pupil migration as well as cross-border catchment areas for some of the schools. 4 out of the 18 schools are Voluntary Aided schools with wider catchment areas and faith-based allocation categories. This area is urban with some small schools (intakes of up to 15), and a combination of primary schools (4-11 years old), Infant schools (4-7) and Junior schools (8-11). Overall, there are sufficient places in this area and schools have generally been able to take all their catchment area pupils in the past.
4. 9 March 2010 late in-catchment applications have had an impact at Theale C of E Primary school and Purley C of E Infant school.
4. 10 The three secondary schools have ample capacity to accommodate the pupils in their catchment area. The excess capacity is taken up by pupils from out of the authority, with the secondary schools in this geographical area showing the highest level of pupil mobility cross border in West Berkshire.

AREA 3: NEWBURY

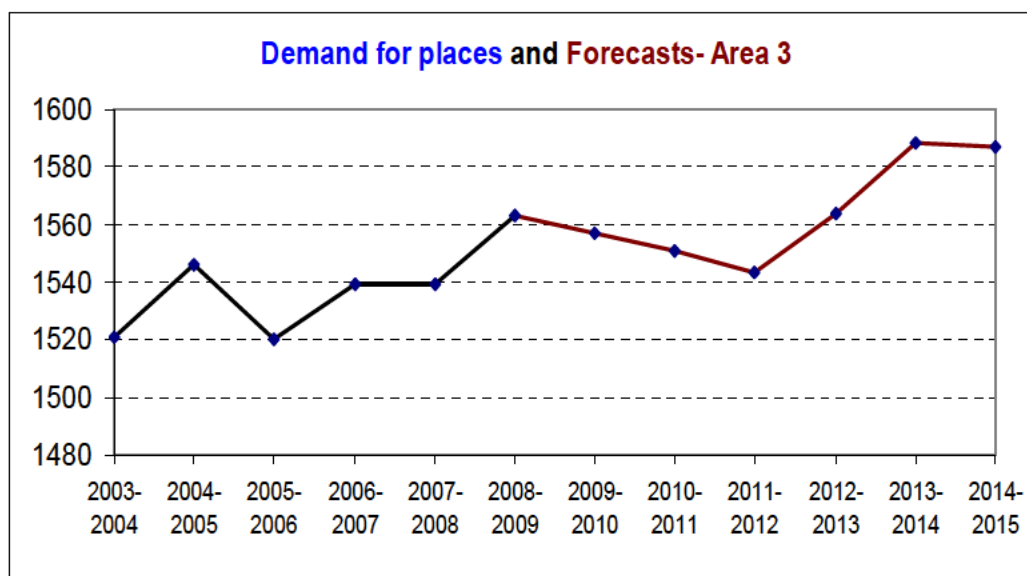
4. 11 Seven (7) Primary schools

- Enborne Church of England Primary (VA)
- Falkland Primary
- John Rankin Infant and Nursery
- John Rankin Junior
- St John the Evangelist Church of England Infant and Nursery (VA)
- St Nicolas Church of England Junior (VA)
- The Willows Primary

Area Characteristics

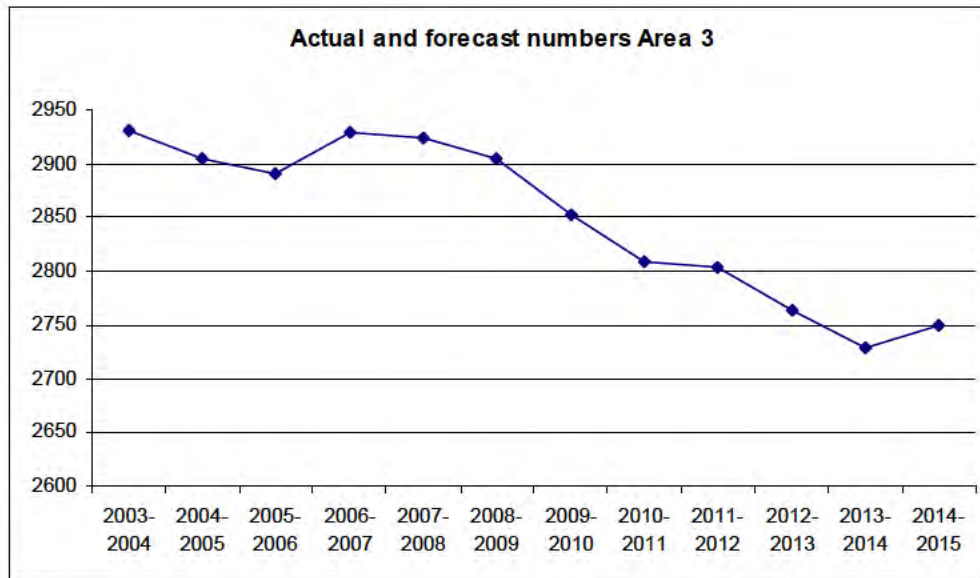
Number of Community and VC schools	4
Number of VA schools	3
Infant & Junior schools	4
Total capacity in area schools	1670
Total number of pupils on roll in area 2009	1505
Total surplus percent in the area	11%
Schools with no surpluses at all	3
Schools with surpluses below 10%	2
Schools with surpluses between 10 & 24 %	1
Schools with surpluses 25% and above	1

Demand and Forecast



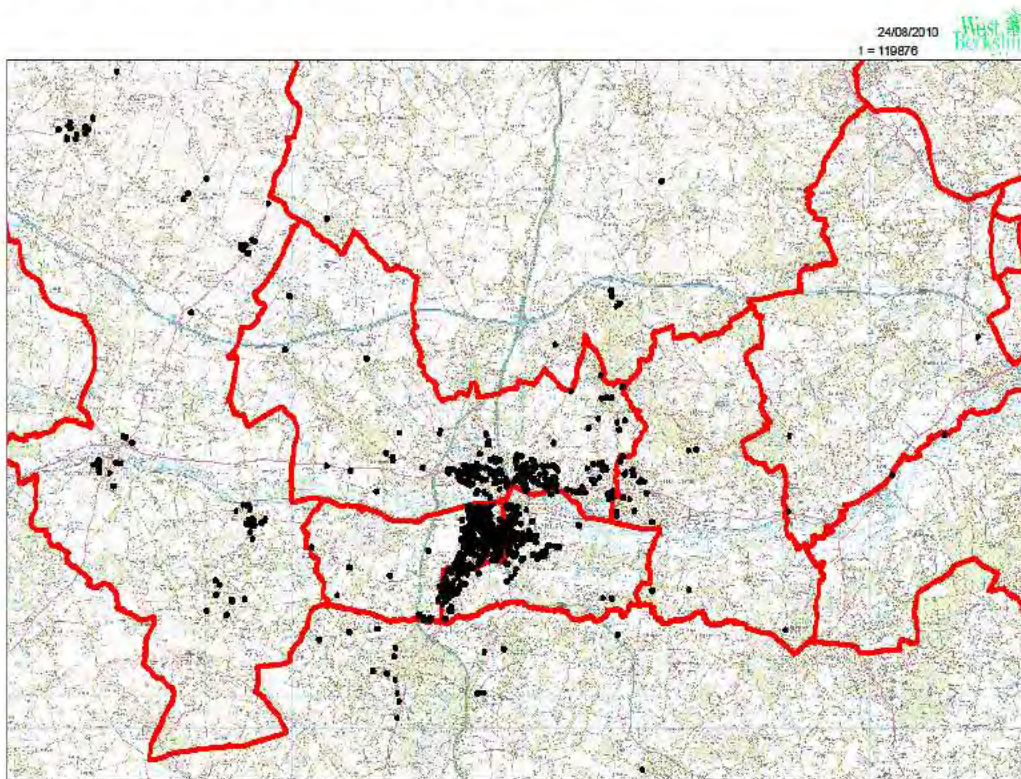
Secondary Schools - Park House School & St Bartholomew's School

Total Number of pupils for the 2 secondary schools



Demand for St Bartholomew's School

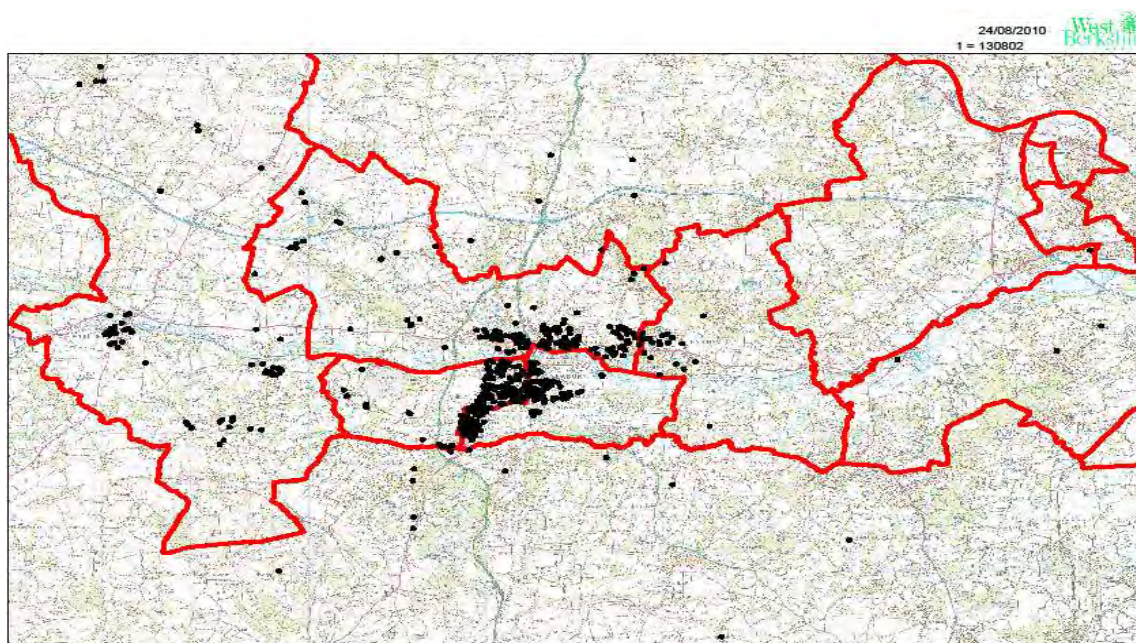
Pupils attending St Bartholomew's School



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Demand for Park House School

Pupils attending Park House School



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AREA 3 – ANALYSIS

4. 12 Seven primary schools serve Area 3, which has high percentage of surplus places, overall, of 11% (165 places). Three out of seven schools are fully subscribed with two other schools having very low surpluses of 1% and 2% respectively. Enborne CE Primary school has a surplus of 13% and The Willows Primary school has a high level of surplus places but the trend is that the number of surplus places is reducing; the expectation is that proposed new housing developments with the expected high pupil yield would reduce these surplus places in the medium term. Two of the schools are very popular but due to a lack of building space expansion is not possible. A review of catchment areas for the affected schools has been initiated in order to increase the schools' capacity to accommodate their catchment area pupils. The remaining schools have the capacity to take their catchment area pupils, as some capacity is currently taken up by demand from other LA areas. As the majority of schools in this area are quite popular, the review would balance demand against capacity quite well and would need to be in place for the 2012-13 intake.
4. 13 The pressure currently felt at the primary school level will not be reflected at the secondary level. The two secondary schools serving this area have enough capacity to accommodate all pupils in their catchment areas both now and up to 2020 based on current projections and demand patterns. The realignment of the primary schools catchment area will not disadvantage either secondary school.

AREA 4: THATCHAM/NORTH NEWBURY

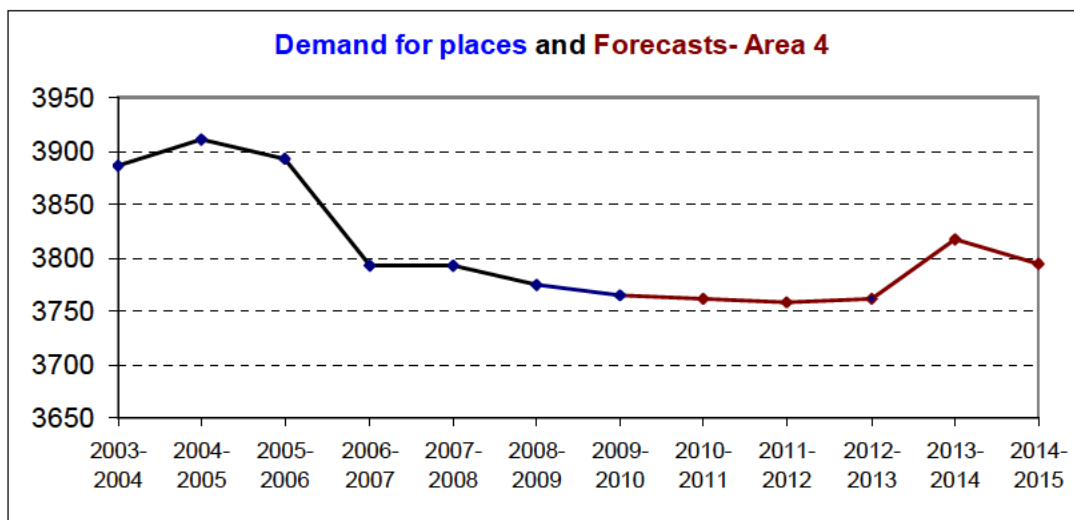
4. 14 Eighteen (18) Primary schools

- Brimpton C of E Primary
- Bucklebury C of E Primary
- Cold Ash St Mark's C of E Primary (VA)
- Fir Tree Primary
- Francis Baily Primary
- Parsons Down Infant
- Parsons Down Junior
- Robert Sandilands Primary & Nursery
- Shaw-Cum-Donnington C of E Primary
- Spurcroft Primary School
- Stockcross C of E Primary School
- St Finian's Catholic VA Primary
- St Joseph's Catholic VA Primary
- Thatcham Park C of E Primary
- The Winchcombe School
- Welford and Wickham C of E Primary
- Whitelands Park Primary
- Speenhamland Primary

Area Characteristics

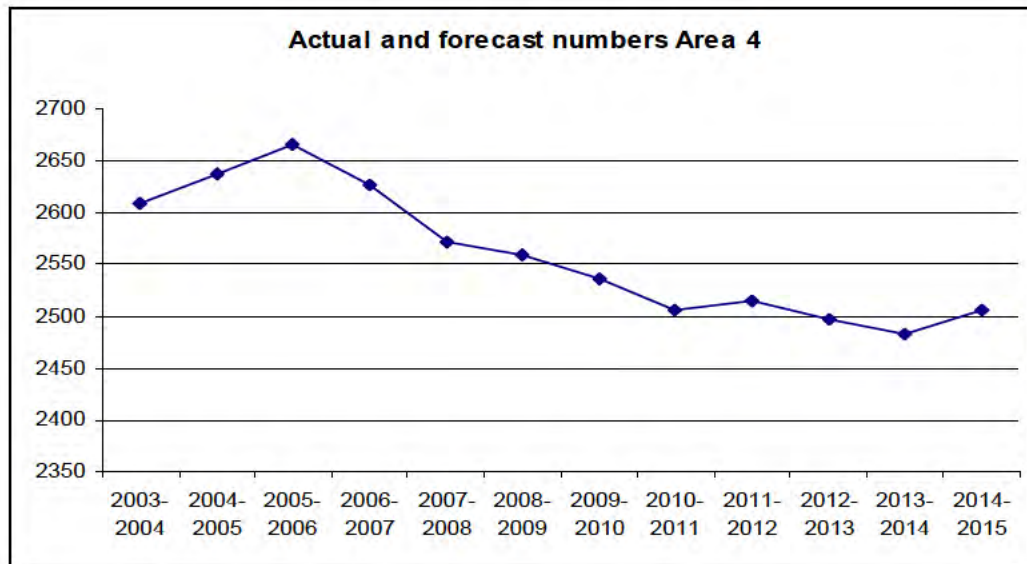
Number of Community and VC schools	15
Number of VA schools	3
Infant & Junior schools	2
Total capacity in area schools	4154
Total number of pupils on roll in area 2009	3774
Total surplus percent in the area	9%
Schools with no surpluses at all	1
Schools with surpluses below 10%	9
Schools with surpluses between 10 & 24 %	7
Schools with surpluses 25% and above	1

Demand and Forecasts



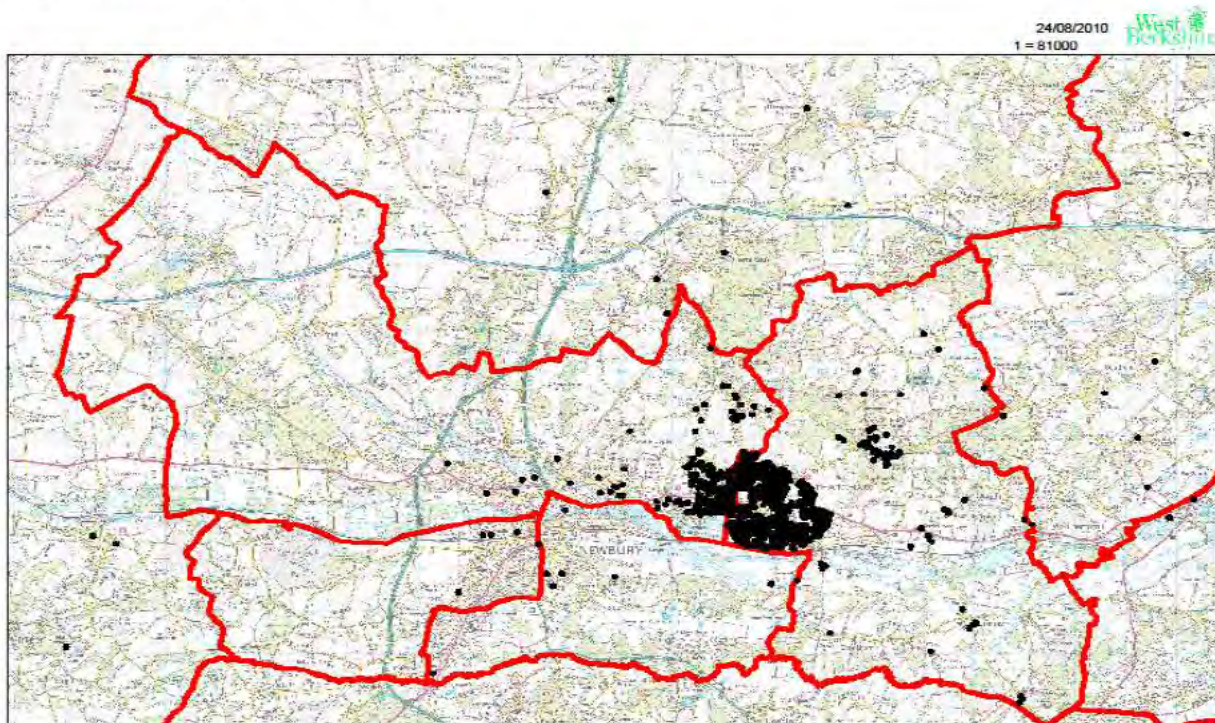
Secondary schools - Kennet School & Trinity School

Total Number of pupils for the 2 secondary schools



Demand for Kennet School

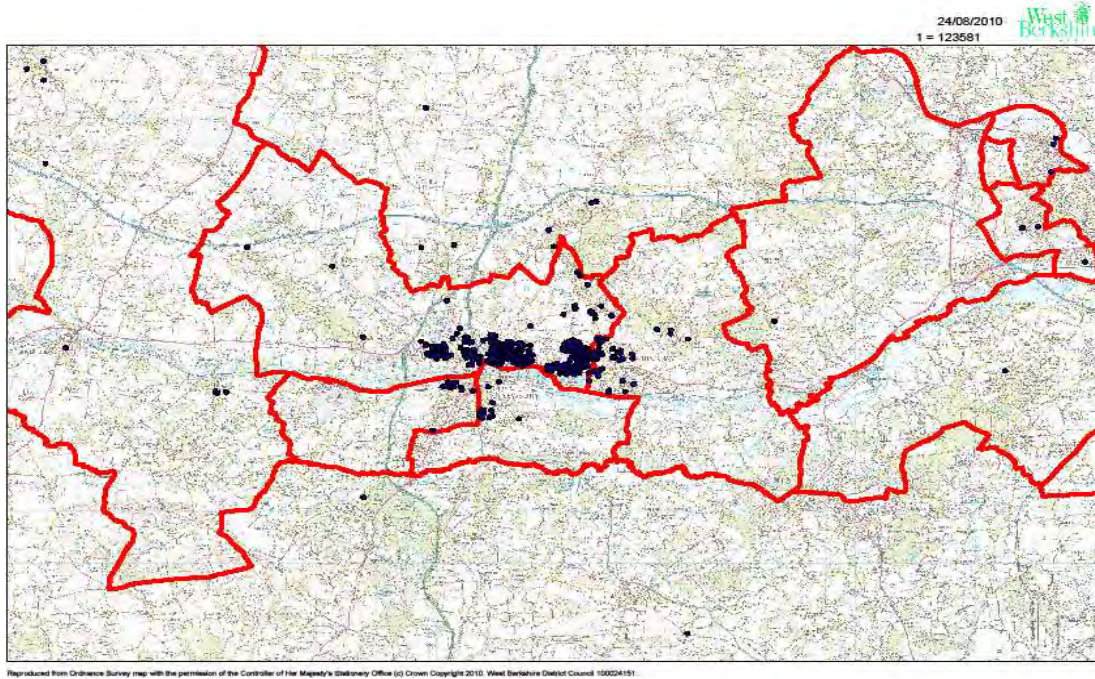
Pupils attending Kennet School



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Demand for Trinity School

Pupils attending Trinity School



AREA 4 – ANALYSIS

4. 15 Eighteen primary schools service Area 4, which has a moderate level of surplus places overall of 9% (380 spare places). 10 schools have low surpluses whilst the other 8 have some capacity, including higher surplus places at Parsons Down Infant school (25%), Brimpton CE Primary school (24%), The Winchcombe school (22%) and Welford & Wickham school (21%). The schools are near each other geographically and this provides flexibility in the area. The forecast for demand shows a significant increase in 2013-2014 of approximately 70 places, so it is desirable to keep some surplus capacity available in this area ready for this change.
4. 16 A review of places in Thatcham has already been undertaken and a further review of North Newbury will follow shortly, which will also consider the overall picture for Area 4.
4. 17 There is an issue between Brimpton School (Area 4) and Aldermaston School (Area 1). Parental choice has led to low numbers in this small school as many pupils from its catchment attend Aldermaston School. This is an area to be considered for review. There could be some other targeted work with schools in Area 4 to explore reducing their surplus capacity through the re-allocation of space for other purposes.
4. 18 The capacity at Thatcham Park, The Winchcombe and Parsons Down schools is already under review. Both The Winchcombe School and Thatcham Park School are the result of amalgamations where the admission numbers were initially kept low, but where capacity can be raised to accommodate higher intakes as the schools become more popular. The effect would be to even out demand and increase flexibility as well as retain community characteristics of the current mix of schools. A swing in catchment area demand has resulted in a review of capacity at Thatcham Park school and an imbalance between catchment demand and capacity at Spurcroft and Francis Baily has led to an additional review.
4. 19 The catchment pupil population can be accommodated at the two secondary schools. While Kennet School is one of the most popular schools in the Authority, Trinity School has surplus places and has had sustained support including a working relationship with the management of the Kennet school which in the short term should increase participation. Some of the catchment area is shared between the two schools creating enough places and flexibility.

AREA 5: WEST

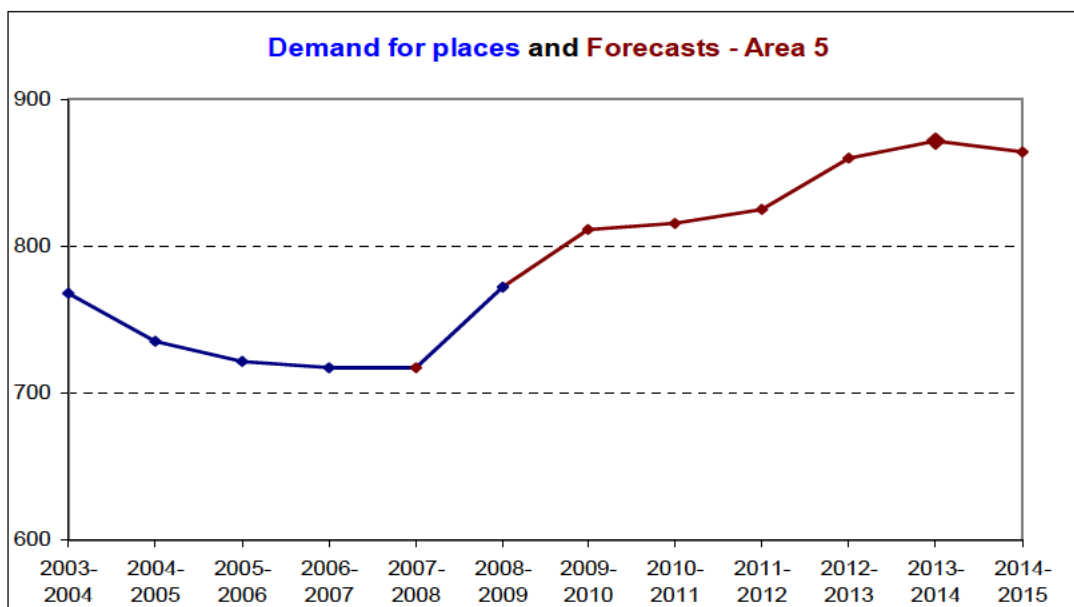
4. 20 Five (5) Primary schools

- Hungerford Primary School
- Inkpen Primary School
- Kintbury St Mary's C of E Primary
- Lambourn C of E Primary
- Shefford C of E Primary (Federated with Chaddleworth St.Andrew's C of E Primary)

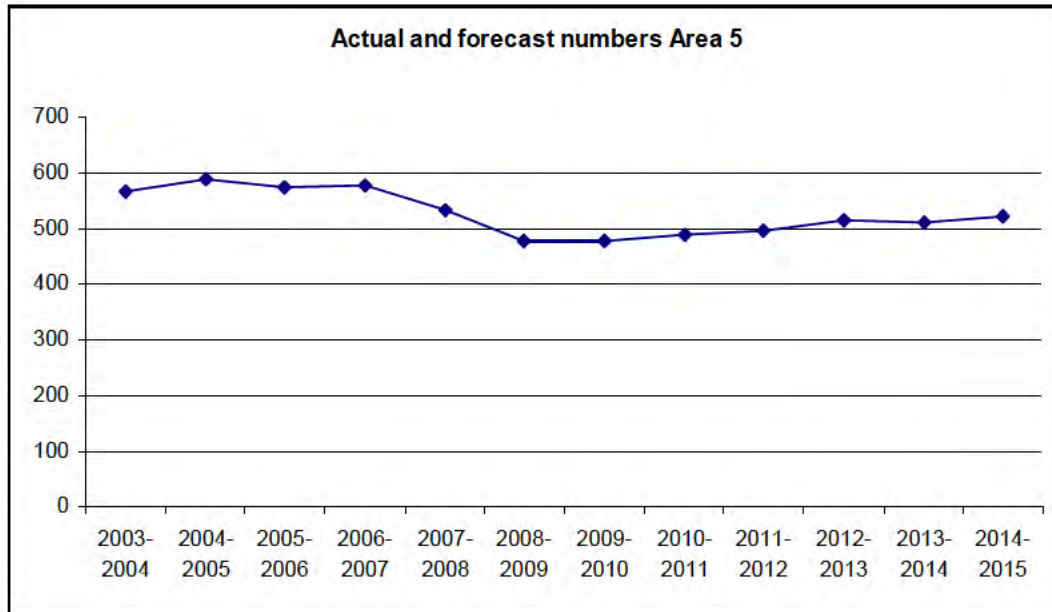
Area Characteristics

Number of Community and VC schools	5
Number of VA schools	0
Infant & Junior schools	0
Total capacity in area schools	905
Total number of pupils on roll in area 2009	772
Total surplus percent in the area	15%
Schools with no surpluses at all	0
Schools with surpluses below 10%	2
Schools with surpluses between 10 & 24 %	1
Schools with surpluses 25% and above	2

Demand and Forecasts

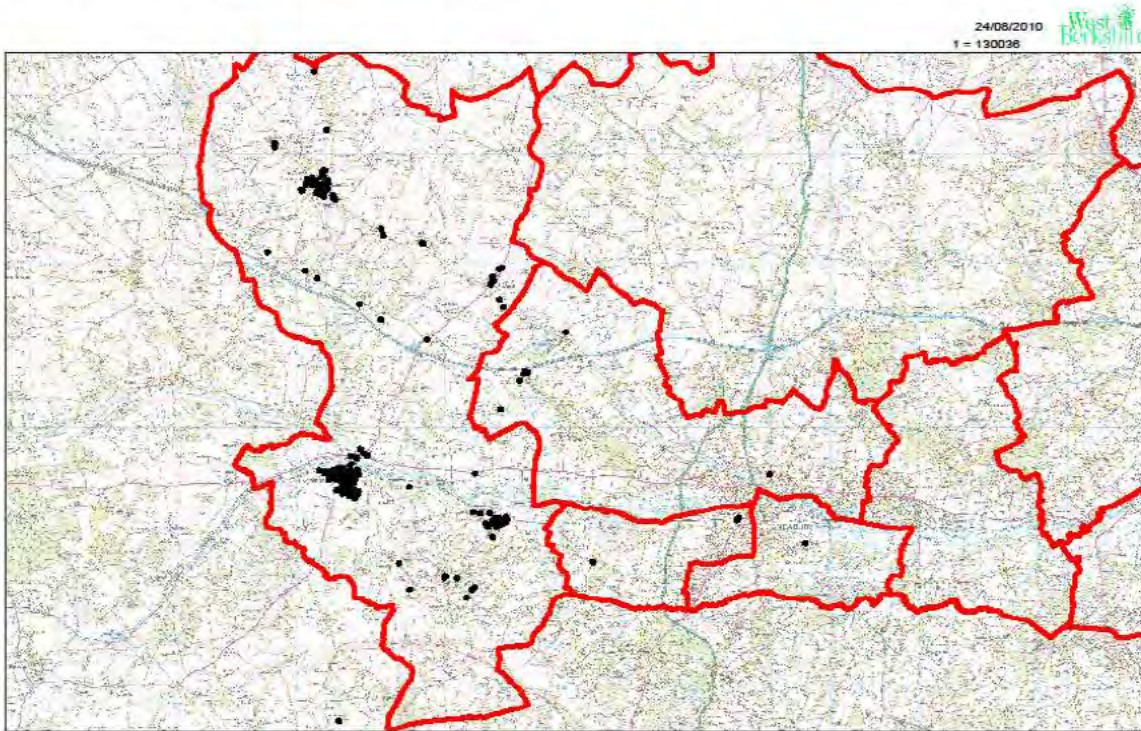


Secondary Schools - John O Gaunt



Demand for John O'Gaunt School

Pupils attending John O'Gaunt School



AREA 5 - ANALYSIS

4. 21 Five primary schools service this area (four are rural schools) and the overall surplus in Area 5 is high at 15% (133 spare places).
4. 22 The two small schools in Area 5 have a high level of surplus places – Shefford CE Primary (50%) and Inkpen Primary school (34%) and this may be an area for future review, although demand has been uneven from year to year.
4. 23 Shefford and Chaddleworth schools have federated, effectively creating a “junior” school across both catchment areas for Shefford and a similar “infant” school for Chaddleworth school.
4. 24 At Hungerford Primary school, demand has been consistently met in the last three years but there is less flexibility because there is no other nearby school in this geographic location. The current approach is to monitor the number of pupils in the area with a view to redesign the school if the need arises.
4. 25 The secondary school has a large number of surplus places (225 surplus places, 33%). Its admission number remains at the level it was when the school was more popular but the intake has fallen below 100 pupils in recent years. The forecast shown in the graph above is sympathetic to the possibility of slight improvement in pupil numbers. Clearly the school needs to attract more pupils from its catchment area and there should be a review to establish actions to support this aim.

AREA 6: THE DOWNS

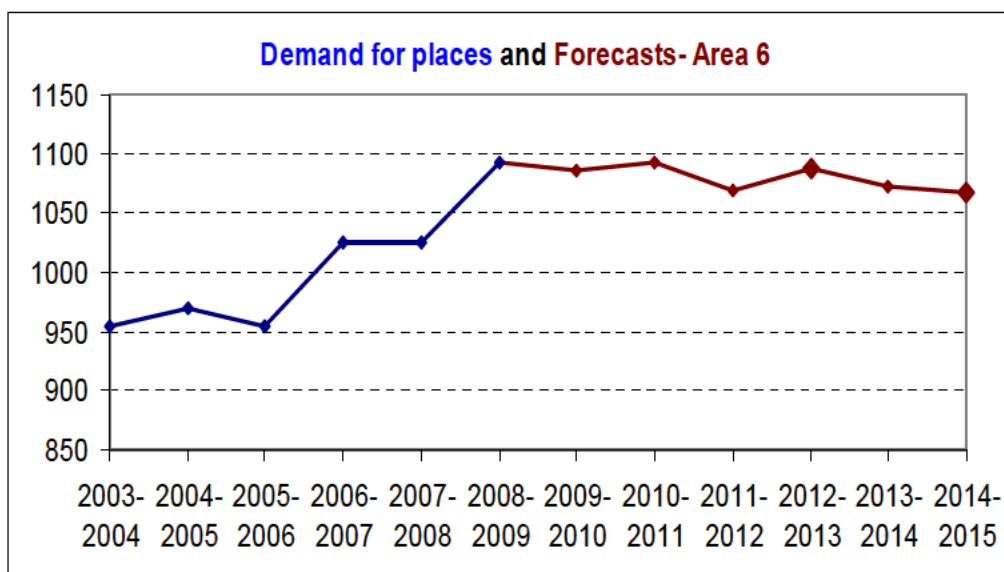
4. 26 Eleven (11) Primary schools

- Beedon C of E Controlled Primary
- Brightwalton C of E Primary (VA)
- Chaddleworth St Andrew's C of E Primary (Federated with Shefford C of E Primary)
- Chieveley Primary
- Compton C of E Primary
- Curridge Primary School
- Hampstead Norreys C of E Primary
- Hermitage Primary
- Streatley C of E Voluntary Controlled
- The Ilsleys' Primary
- Yattendon C of E Primary (VA)

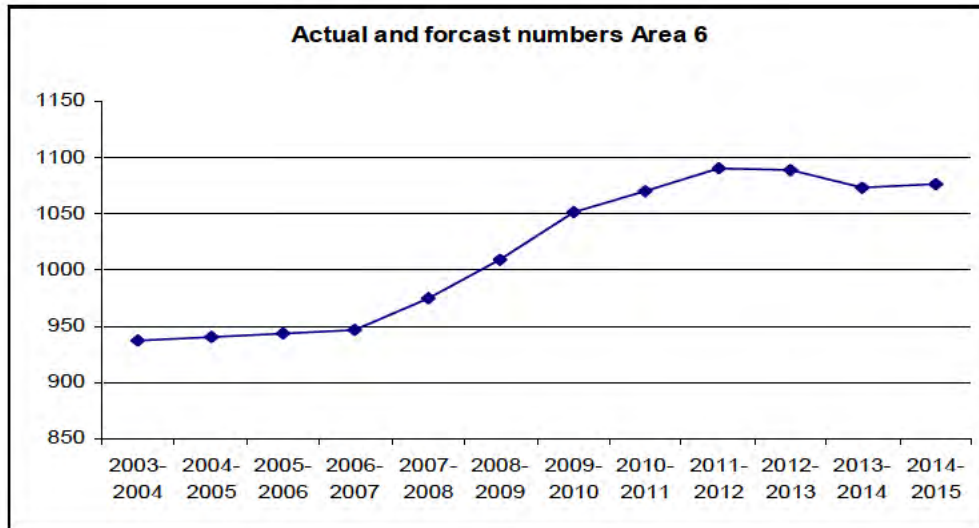
Area Characteristics

Number of Community and VC schools	9
Number of VA schools	2
Infant & Junior schools	0
Total capacity in area schools	1199
Total number of pupils on roll in area 2009	1093
Total surplus percent in the area	9
Schools with no surpluses at all	2
Schools with surpluses below 10%	5
Schools with surpluses between 10 & 24 %	2
Schools with surpluses 25% and above	2

Demand and Forecasts

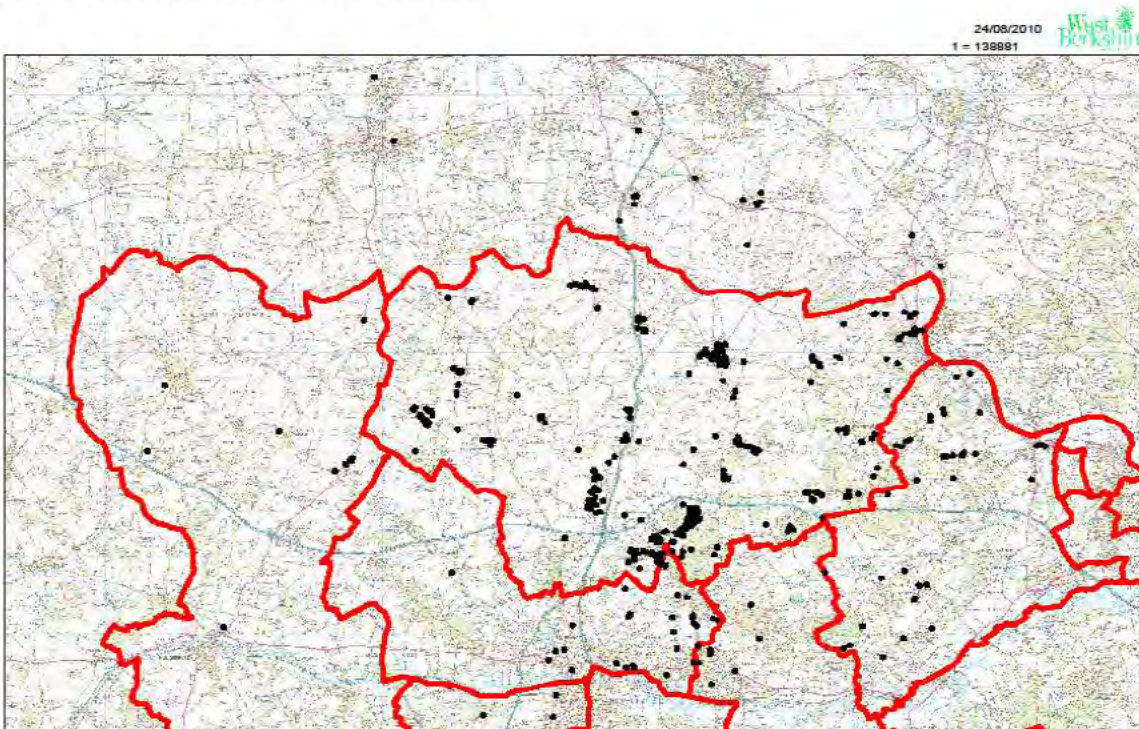


Secondary schools- The Downs School



Demand for The Downs School

Pupils attending The Downs School



AREA 6 - ANALYSIS

4. 27 Eleven primary schools service Area 6 and the overall surplus is moderate at 9% (206 spare places). Two schools have no surpluses and five other schools are below 10% surplus. Higher surplus place percentages are found at The Ilsleys Primary school (27%), Compton CE primary school (26%) and Chaddleworth St. Andrews CE school (21%) and Yattendon CE Primary school (11%).
4. 28 Chaddleworth and Shefford schools have federated, effectively creating a “junior” school across both catchment areas for Shefford and a similar “infant” school for Chaddleworth school.
4. 29 In recent years Curridge School has had high demand for places from the military barracks nearby and is often full. The school site is small and not suitable for expansion, but an extra classroom has been added to nearby Chieveley School to relieve the current pressure in the area and this solution has worked well.
4. 30 Demand is also high at Hermitage school, due to pupils from new housing. However, the school meets the demand from catchment and there has been a good balance.
4. 31 There are two Voluntary Aided schools located in small villages which have traditionally had fewer pupils and higher surplus places.
4. 32 There is a good mix across Area 6 and enough places especially since the pressure at Curridge is being relieved by the Chieveley expansion.
4. 33 The secondary school, although one of the smaller secondary schools in the LA, is able to meet the demand for places from its catchment area and any surplus places are often taken up by cross-border pupils from Oxfordshire. In recent years, the capacity of the school was increased to better accommodate demand and improve teaching arrangements in delivering the curriculum. In line with the predictions of the ONS, numbers are expected to fall in the near term then remain flat in the medium term.

APPENDICES

The following tables provide summaries of capacity, actual and forecast number on roll and surplus places. They are presented in secondary school areas, where the primary school catchment areas are co-terminus with the secondary school.

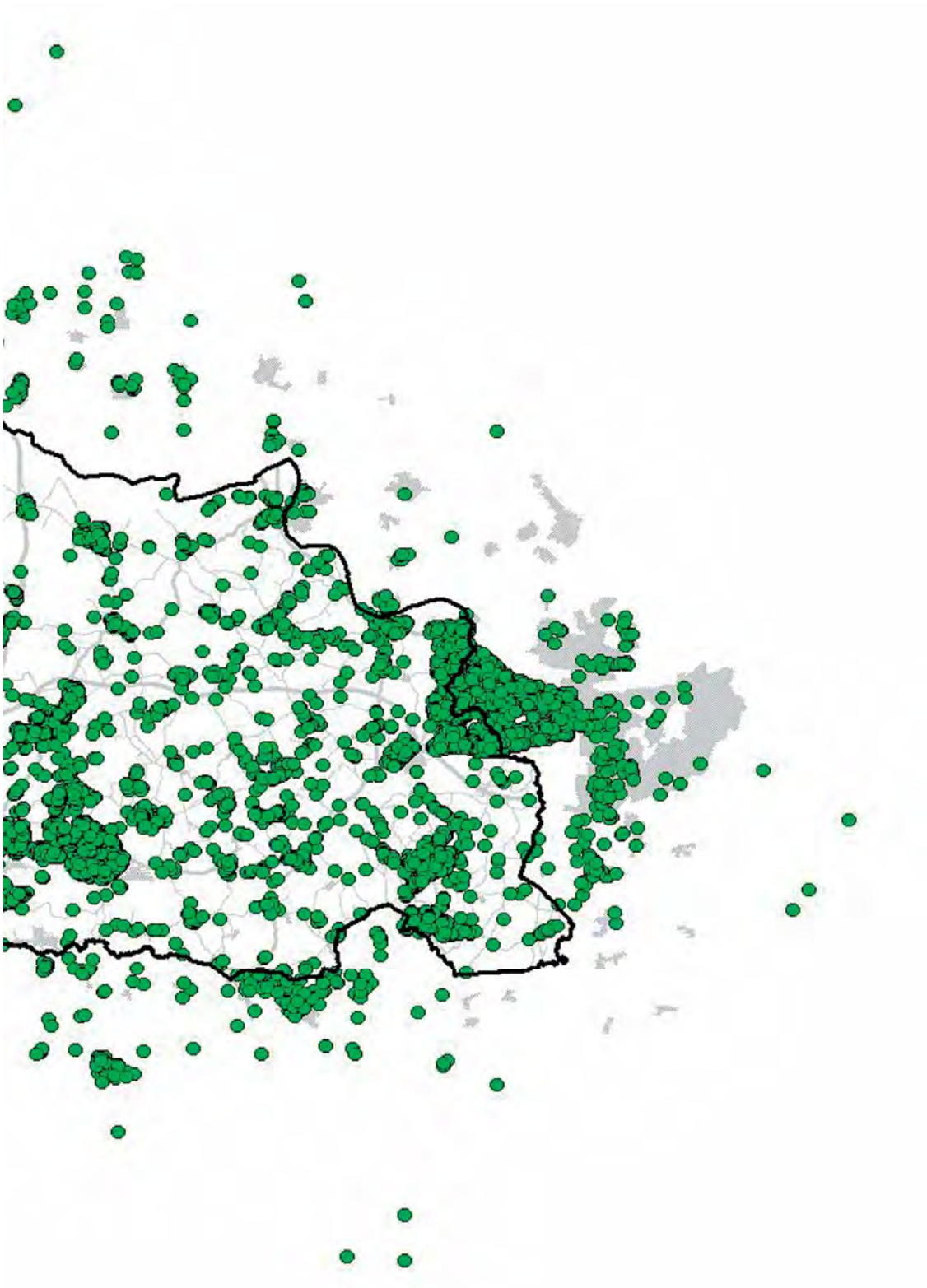
APPENDIX 1 – Primary schools (as at January 2010)

School Name	Number on Roll	Net Capacity	Surplus Capacity (Actual)	Surplus Capacity (%)
ALDERMASTON CE PRIMARY	150	168	15	9%
BURGHFIELD ST MARYS PRIMARY	156	140	0	0%
GARLAND COUNTY JUNIOR	214	240	10	4%
MORTIMER ST JOHN'S CE INFANT	182	180	0	0%
MORTIMER ST. MARY'S CE JUNIOR	241	240	6	3%
MRS BLAND'S INFANT & NURSERY	192	177	26	15%
SULHAMSTEAD AND UFTON NERVET	109	105	0	0%
Totals for Area 1	1244	1250	57	5%
DOWNSWAY PRIMARY	196	210	12	6%
LONG LANE PRIMARY	287	290	3	1%
PURLEY C. OF E. INFANT	55	51	0	0%
WESTWOOD FARM INFANT	200	180	7	4%
WESTWOOD FARM JUNIOR	227	240	16	7%
BIRCH COPSE PRIMARY	404	392	0	0%
KENNET VALLEY PRIMARY	212	210	0	0%
SPRINGFIELD C P	284	280	8	3%
BASILDON PRIMARY	118	133	28	21%
BEENHAM PRIMARY	89	105	19	18%
BRADFIELD C.E. PRIMARY	169	175	20	11%
CALCOT INFANT AND NURSERY	201	253	81	32%
CALCOT JUNIOR	220	280	73	26%
ENGLEFIELD C.E. PRIMARY	111	105	0	0%
PANGBOURNE PRIMARY	242	216	0	0%
THEALE C OF E PRIMARY	239	210	2	1%
WOOLHAMPTON CE PRIMARY	95	105	14	13%
ST PAULS RC PRIMARY	248	315	0	0%
Totals for Area 2	3597	3750	283	8%
FALKLAND PRIMARY	425	420	0	0%
THE WILLOWS PRIMARY	206	350	165	47%
ENBORNE CE PRIMARY	59	60	8	13%
JOHN RANKIN INFANT	196	180	2	1%
JOHN RANKIN JUNIOR	232	240	0	0%
ST JOHN THE EVANGELIST INFANT	205	180	4	2%
ST. NICOLAS CE JUNIOR	300	240	0	0%
Totals for Area 3	1623	1670	179	11%

School Name	Number on Roll	Net Capacity	Surplus Capacity (Actual)	Surplus Capacity (%)
BRIMPTON C OF E PRIMARY	43	63	15	24%
BUCKLEBURY C.E. PRIMARY	129	126	2	2%
COLD ASH ST MARK'S CE PRIMARY	190	195	4	2%
FRANCIS BAILY PRIMARY	521	525	4	1%
PARSONS DOWN INFANT	213	240	60	25%
PARSONS DOWN JUNIOR	252	324	27	8%
SPURCROFT PRIMARY	355	315	4	1%
ST FINIAN'S CATHOLIC PRIMARY	186	182	9	5%
ST JOSEPH'S CATHOLIC PRIMARY	192	210	14	7%
THATCHAM PARK C OF E PRIMARY	345	315	36	11%
WHITELANDS PARK PRIMARY	309	378	60	16%
FIR TREE PRIMARY	172	210	37	18%
ROBERT SANDILANDS PRIMARY	236	210	1	0%
SHAW-CUM-DONNINGTON PRIMARY	68	77	9	12%
SPEENHAMLAND PRIMARY	277	280	5	2%
STOCKCROSS CE PRIMARY	102	105	7	7%
THE WINCHCOMBE	256	315	68	22%
WELFORD AND WICKHAM	76	84	18	21%
Totals for Area 4	2488	4154	380	9%
HUNGERFORD PRIMARY	387	392	20	5%
INKPEN PRIMARY	59	87	30	34%
KINTBURY ST MARY'S CE	147	140	12	9%
LAMBOURN PRIMARY	208	196	26	13%
SHEFFORD C OF E PRIMARY	44	90	45	50%
Totals for Area 5	845	905	133	15%
BEEDON CE PRIMARY	51	52	1	2%
BRIGHTWALTON CE PRIMARY	102	105	3	3%
CHADDLEWORTH ST. ANDREW'S CE	19	56	12	21%
CHIEVELEY PRIMARY	147	140	11	8%
COMPTON CE PRIMARY	140	180	46	26%
CURRIDGE PRIMARY	108	105	0	0%
HAMPSTEAD NORREYS CE PRIMARY	105	102	1	1%
HERMITAGE.PRIMARY	197	189	0	0%
STREATLEY CE PRIMARY	105	112	3	3%
THE ILSLEYS PRIMARY	72	88	24	27%
YATTENDON C E PRIMARY	72	70	8	11%
Totals for Area 6	1118	1199	109	9%

APPENDIX 2 – Secondary schools (as at January 2010)

School Name	Number on Roll	Net Capacity	Surplus Capacity (Actual)	Surplus Capacity (%)
THE WILLINK SCHOOL	955	995	40	4%
TOTAL FOR AREA 1	955	995	40	4%
THEALE GREEN COMMUNITY	1389	1389	0	0%
DENEFIELD SCHOOL	1148	1300	152	12%
LITTLE HEATH	1715	1665	-50	-3%
TOTAL FOR AREA 2	4252	4354	102	2%
PARK HOUSE	1208	1404	196	14%
ST BARTHOLOMEW'S	1636	1585	-51	-3%
TOTAL FOR AREA 3	2844	7343	145	2%
KENNET	1755	1691	-64	-4%
TRINITY	790	1040	250	24%
TOTAL FOR AREA 4	2545	10074	186	2%
JOHN O'GAUNT COMMUNITY TECHNOLOGY COLLEGE	455	680	225	33%
TOTAL FOR AREA 5	455	680	225	33%
THE DOWNS	1086	1017	-69	-7%
TOTAL FOR AREA 6	1086	1017	-69	-7%





Department
for Education

A guide to new mainstream free school revenue funding 2022 to 2023

June 2022

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Introduction

This guide sets out how revenue funding for new free schools will be calculated and paid based upon funding rates for the 2022 to 2023 academic year. It is primarily aimed at free schools opening in the 2022 to 2023 academic year. However, it will also be a useful guide for schools opening in future years. It is important to note that funding may change annually.

This guide also sets out the importance of good financial health and the financial governance and accountability requirements for trusts. The pre-opening [financial management and governance self-assessment](#) tool is a helpful tool for trusts to assess a free school's financial governance and compliance prior to opening.

The following funding will be available in 2022 to 2023 to mainstream free schools upon opening:

- local pre-16 formula funding
- national 16 to 19 formula funding
- pupil premium
- business rates grant
- high-needs funding
- teachers' pay grant
- teachers' pension employer contribution grant
- universal infant free school meals
- PE and sport premium
- post-opening grant (free schools set up through the local authority presumption route are not eligible for this grant)

Each is described in more detail later in this guide.

This guide does not cover:

- funding for special free schools, alternative provision free schools, or 16 to 19 free schools, for which separate guides are available
- free schools open before September 2022 (who will be receiving updates on future funding arrangements from the Education and Skills Funding Agency (ESFA))
- any initial funding which may be provided by the department to help free school proposers to develop their projects before the opening of the school (i.e. project development grant). Further information on project development grant (PDG) is available in the [Free schools: pre-opening guide on GOV.UK](#).
- capital funding (and within this is any ongoing annual costs of leasing premises)
- Value Added Tax (VAT) - open academies and free schools do not receive a separate grant to cover these costs, but will be able to claim back, when open, any VAT paid in respect of their non-commercial activity, directly from Her Majesty's Revenue and Customs (HMRC) via the VAT scheme for academies.

School resource management and planning overview

School resource management

Effective schools make the best use of resources, ensuring that every pound is used to have maximum impact for their pupils and the school. Schools that do this well tend to:

- plan their curriculum and finances in a combined exercise, known as integrated curriculum and financial planning (ICFP) which allows them to base their financial planning on delivering educational outcomes, rather than as a separate consideration - ICFP can help analyse the most effective deployment of staff, for example, it can help model the impact of flexible working arrangements on your budget to make the best decision for your curriculum and finances while being inclusive of staff needs
- have a strategic approach towards financial planning for the longer term (3 to 5 years)
- deploy their staff effectively and efficiently, linked to their long-term plan
- have robust challenge from financially skilled governors and head teachers
- have skilled staff responsible for managing finances, who have experience of seeking best value for money when procuring
- have transparent financial systems and processes that encourage constructive challenge within and between schools

The [School resource management collection](#) offers a variety of resources and guidance to support all schools to target their resources to improve the education of pupils.

It includes DfE [approved frameworks](#) that help save money on regular purchases such as furniture, cleaning services, and ICT and support schools to buy compliantly through quality checked suppliers.

The [Risk Protection Arrangement](#), an alternative to commercial insurance and the [supply teacher and agency worker deal](#) which makes fees and mark-ups transparent and removes the temp-to-perm fee after 12 weeks of working for you.

Support for buying can be found through [Get Help Buying for Schools](#), which is a national service providing free access to general advice and guidance, aggregation opportunities and in some instances will undertake complex procurement on behalf of schools.

Other tools that support [excellent resource management include the financial benchmarking service](#), which allows schools to compare their spending patterns to schools in similar circumstances, and the [View My Financial Insights \(VMFI\)](#) tool which gives schools an insight into their financial performance, identifies areas that may require further attention and matches the data with relevant guidance and resources.

The [Teaching Vacancies site](#) allows schools to advertise their vacancies for free.

There is also support and [guidance on financial efficiency](#) to help school leadership teams, including a [curriculum planning tool](#).

Through the [Get Help With Technology](#) page, schools can get support to access laptop, tablets and internet solutions, and get their school set up on a free digital platform.

The [schools resource management: top 10 planning checks for governors](#) guidance contains information to help schools manage their resources efficiently to deliver good educational outcomes. In particular, schools will want to use the important metrics contained within the planning checks to consider the affordability and value of the proposed curriculum and staffing plans

To receive regular updates about the school resource management tools, support and guidance, schools can sign up to DfE's [schools business professionals contact list](#)

School Resource Management Advisers (SRMA) are practising sector financial experts. They provide peer-to-peer tailored advice on how schools and trusts can make best use of resources to deliver the best possible educational outcomes for their pupils. ESFA fully funds SRMA visits to academy trusts and if you are interested in working with a SRMA you should [contact ESFA](#). More information about how SRMAs work with schools and academy trusts can be found in the [Preventing financial failure in schools and academies](#) on GOV.UK.

Financial planning

Free schools should plan their expenditure using the most up to date [financial template](#) to ensure that it is affordable within the funding provided. This should be an on-going process with financial plans updated as plans for the school are more fully developed, staff are appointed, site plans are developed and other costs are more firmly established. Projects should also refresh financial plans as further details of funding arrangements are confirmed and review them regularly to ensure they reflect the likely number of pupils based on the number of applications. In doing this, they will want to make sure they are aware of funding arrangements for each new academic year.

The department will need assurance that free schools are on-course to be financially viable on opening. In order to provide a sustainable, broad and balanced curriculum, there is a presumption that primary provision should have a minimum of 2 forms of entry of 30 pupils (total of 60), and secondary provision (years 7 to 11) have a minimum of 4 forms of entry of 30 pupils (total of 120). Financial plans are not expected to be based on fewer pupil numbers unless otherwise agreed with the department.

For local authority presumption free schools, the local authority and trust are required to determine the minimum viable number of the school, i.e. the minimum number of pupils required in order to be financially viable. The department expects local authorities to

provide sustainable underwriting arrangements for presumption schools in support of the pupil forecasts agreed between the trust and the local authority.

If applying to open a free school you may be required to complete a financial plan for the proposed school. All applications, including those with an innovative or new approach, must demonstrate that the school will be financially viable. You can find the full criteria against which we will judge financial viability of free school applications in the [how to apply guide](#).

Free schools in pre-opening will be asked to share their current financial plans with the department before entering into a funding agreement. This should include a version modelled around the minimum number of pupils required in order to deliver an educationally and financially viable offer. The minimum viable number should not be lower than the numbers stated in paragraph 17.

Financial plans will need to be resubmitted ahead of the school's readiness to opening meeting (ROM) and should be based on the latest available number of accepted offers. Please note that at post-16, an adjustment of at least -30% should be applied to take account of historical drop out between accepted offers and start date, due to students being able to hold multiple offers. It should also be noted that not all 16 to 19 students progress from Year 12 to Year 13; this drop off is typically around 15%. (The details included in this plan will be used in order for draft funding statements to be issued).

Projects should submit their plans with evidence to underpin their pupil number assumptions which must be realistic and achievable. The department will want to see that as far as possible the plans reflect the school's income based on the best estimates of available grants, the school's outgoings and the likely number of pupils. Plans should show that the school will not go into deficit at any point.

Plans should be based on the most up-to-date available estimates of grant funding. The free school [financial template](#) containing 2022 to 2023 funding rates is available from the department and will calculate indicative General Annual Grant (GAG) funding using the up-to-date funding rates.

Annual revenue funding for free schools

Except where stated below, the funding for each free school will be calculated and paid by ESFA. Pre-16 and 16 to 19 funding will be paid monthly in equal instalments. With the exception of the school's first month of opening, when the school will be paid on the eighth working day of the month, the ESFA pays schools their pre-16 and 16 to 19 funding on the first working day of the month.

Local formula funding (pre-16)

Schools, high-needs and early years funding allocations for 2022-23 have been published through the Dedicated Schools Grant (DSG): [Dedicated schools grant \(DSG\): 2022 to 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/dedicated-schools-grant-dsg-2022-to-2023)

In addition to DSG funding, mainstream schools will receive Schools Supplementary Grant funding in 2022-23 – a total of £1.2 billion nationally. Forecasts of funding allocations (at local authority level) have been published at the DSG link above. This link also includes a calculator tool, for schools to accurately estimate the funding that they will receive through the Schools Supplementary Grant. Further information on the Schools Supplementary Grant, including the funding rates, is published at the following link: <https://www.gov.uk/government/publications/schools-supplementary-grant-2022-to-2023>. School-level allocations of the grant will be published in May 2022.

Overall, core schools funding is increasing by £4 billion in 2022-23 – a 4% increase in real terms per pupil from 2021-22. This funding boost will give schools the resources they need to raise attainment, provide the right support to all pupils and students, increase teacher pay and continue to rise to the challenges of Covid response and recovery.

The increase in core schools funding includes an increase in mainstream school funding for 5 to 16-year-olds of £2.5 billion in 2022-23, compared to this year. This is equivalent to an average 5.8% cash increase, or an average of £300 per pupil - with each local authority forecast to see at least a 4.7% increase per pupil.

Every mainstream school will receive at least £4,362 for primary schools and £5,669 for secondary schools through the 2022-23 national funding formula (NFF) and the supplementary grant together.

The schools NFF for 5 to 16 provision came into force in April 2018. The NFF distributes school funding to local authorities according to a formula based on the individual needs and characteristics of every school in the country. This is directing resources where they are needed most and providing transparency and predictability for schools.

The government will ensure that any new free schools that are not yet open but are in the pipeline, or will enter the pipeline during 2022 to 2023, are funded consistently with other schools.

We are not changing local authorities' role in the distribution of this funding in 2022-23, and so local authorities will remain responsible for setting local funding formulae which determine individual schools' budget allocations. The government has recently put forward its proposals to complete its reforms to the NFF in future, such that schools' budgets will be determined directly by DfE rather than through local formulae set by each local authority. This will level up the school funding system so that all schools across the country are funded on a fair, consistent basis.

Most of the annual revenue funding for 5 to 16 provision within mainstream free schools is based on the local funding formula applied to all schools in the relevant local authority, including maintained schools and academies. The local formula is a simple and transparent formula, agreed by a local schools forum (a body predominantly made up of representatives of local schools – which must include academy representation broadly proportionate to the number of pupils in academies). The formula can only incorporate the following elements (it need not incorporate them all, but those that are mandatory are marked as such):

- a basic local funding unit for each pupil aged 5 to 16 attending the school (mandatory)
- deprivation measured by rate of current uptake of free school meals, Ever6 FSM (pupils entitled to free schools meals at any time in the last 6 years), and/or income deprivation affecting children index (IDACI) (mandatory)
- the minimum per pupil funding levels (mandatory)
- minimum funding guarantee at between +0.5% and +2%, to protect schools from excessive year-on-year changes (mandatory)
- looked-after children
- low prior attainment
- pupils with English as an additional language
- pupil mobility (the number of pupils entering the school at non-standard entry points)
- a lump sum of up to £175,000
- split sites
- rates
- exceptional premises funding factors
- Private Finance Initiative contracts
- Sparsity

In Buckinghamshire, Essex, Hertfordshire, Kent and West Sussex only, an additional factor is allowed for schools on the London Fringe

Funding protection for local formula funding (pre-16)

The free schools protection (FSP) protects new free schools in their first year of opening from significant reductions in pre-16 funding relative to the funding that they would have received the previous year had they been open. With the potential for local formulae to change each year, this protection provides free school projects with the certainty needed to be able to plan the school's finances during the year prior to opening. The level of protection offered by the FSP in the first year is linked to the minimum funding guarantee (MFG) level set by the respective LA for that year, described below.

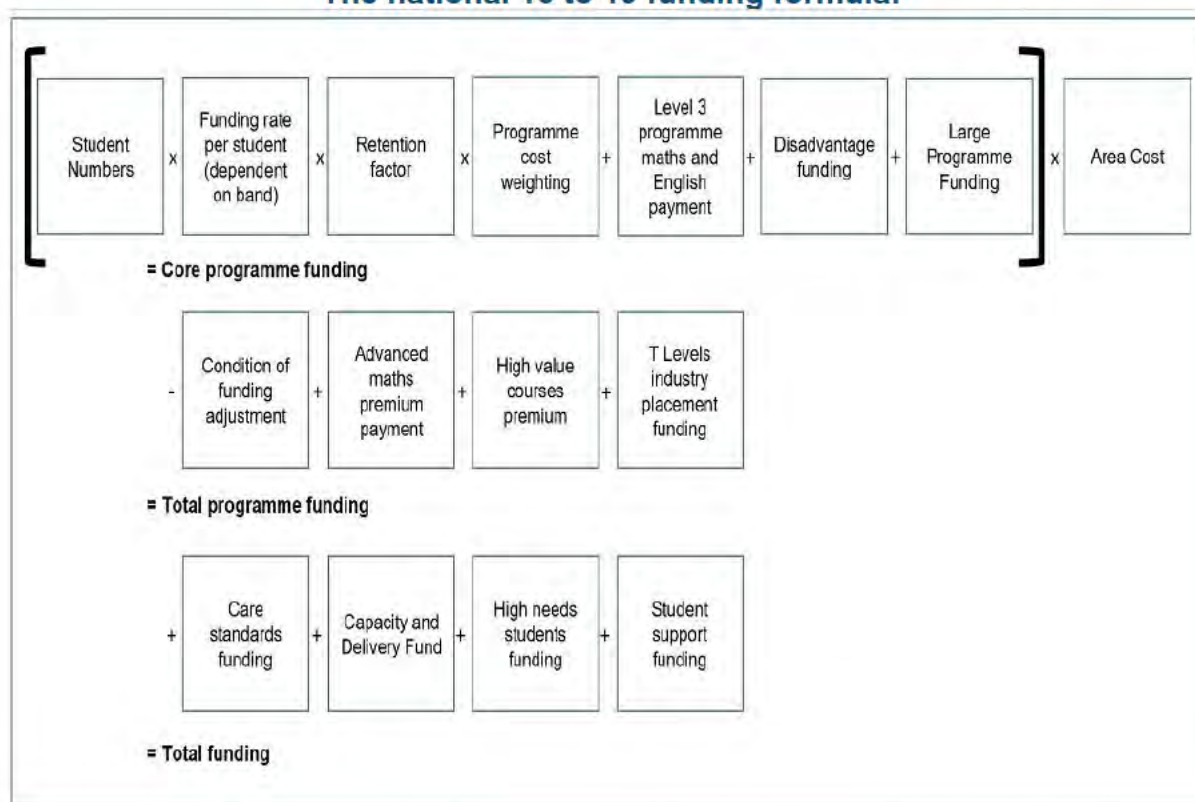
The FSP calculation uses the local authority averages for pupil characteristics to calculate the current year and previous year funding for the purposes of the protection. This is the case even where a school is planning its finances on the basis of alternative characteristics.

From the second year onwards, open free schools are protected by the MFG which ensures that a school's pre-16 funding is still receiving at least a minimum increase in their per pupil funding regardless of any changes made to the local formula between years. This restricts schools to a maximum per pupil loss on most of their budget. In 2022 to 2023, local authorities can choose to set the MFG at any value between +0.5% and +2.0%.

National 16 to 19 formula funding

We use a [national funding formula](#) to calculate an allocation of funding for each 16 to 19 institution, each academic year.

The national 16 to 19 funding formula:



New free schools planning to offer 16 to 19 provision in their first 2 years of opening will have an opportunity to submit a business case in the spring before they open to provide evidence to support assumptions about the characteristics of provision to be reflected in the formula. This will inform the final funding allocation.

Normally the funding formula factors are based on historic data from the latest full year of data. For example, to calculate 2022 to 2023 allocations, data from each institution from the end of the 2020 to 2021 academic year is used. For new institutions, factors for the first 2 years will be based on national or local authority level averages for school and academy sixth forms. Where a business case has been submitted and is approved, the approved factor will be used instead of the average for the first 2 years. In all cases, the allocation will revert to using actual historic data from year 3.

Students are placed into funding bands based on the number of planned hours in their study programme. Each funding band is assigned a national funding rate. The bands and funding rates per student for 2022 to 2023 are:

Table 1: 2022 to 2023 Funding Rates

Band	Annual planned hours		National funding rate per student
5	580+ hours	16 and 17-year-olds, students aged 18 and over with high needs	£4,542
4a	485+ hours	Students aged 18 and over who are not high needs	£3,757
4b	485 to 579 hours	16 and 17-year-olds, students aged 18 and over with high needs	£3,757
3	385 to 484 hours	All students	£3,056
2	300 to 384 hours	All students	£2,416
1	Up to 299 hours	All students	£4,542 per full time equivalent (FTE ¹)

For new free schools it will be assumed that all students are full-time and under 18 unless we are informed otherwise. Students will therefore attract the national funding rate of £4,542 per student. It is important to note that all funding can be subject to change.

The retention factor recognises the number of students who are continuing on their programme or are 'retained' to their anticipated end date. Each student who remains in learning to the planned end date of their study programme, or who is recorded as completed or continuing, gets full funding. Each student who is not retained attracts 50% of the full funding rate. For new free schools, the national average will be used (0.98581 in 2022 to 2023).

The programme cost weighting recognises that some programmes are more costly to deliver than others. Most academic and some vocational programmes are weighted at the base rate of 1. Other programmes are weighted higher than 1, depending on the sector subject area assigned to the core aim of the programme or where an academic programme includes 2 or more eligible science A levels. For new free schools the national average will be used (1.03937 in 2022 to 2023) unless a different factor can be

¹ FTE means the proportion of 600 hours

justified and a business case is approved due to the specific programmes of study being offered.

The [Level 3 programme maths and English payment](#), is provided to support the delivery of maths and English to those students on substantial level 3 study programmes who have not yet attained a grade 9 to 4 (legacy grade C) in either or both of these subjects. Qualifying students on eligible 1-year programmes will attract a single payment per subject (maths and/or English) of £375. Qualifying students on eligible 2-year programmes will attract a single payment of £750. For new free schools, the national average instances per student will be used (0.02268 for 1-year programmes and 0.02866 for 2-year programmes in 2022 to 2023) unless a different factor can be justified and a business case is approved.

Disadvantage funding is made up of 2 blocks:

- Disadvantage Block 1 provides funds to support students from areas of economic deprivation based on the indices of multiple deprivation (IMD). For the 2022 to 2023 allocations, we will be using IMD 2019. For new free schools the local authority average will be used, unless a different uplift can be justified and a business case is approved.
- Block 2 provides additional funding to support young people who have not yet achieved a GCSE Grade 4 (legacy grade C) in maths and/or English by the end of year 11. Each student without GCSE English or maths at grade 4 (or above) attracts one instance of block 2. Where a student does not have a grade 4 (or above) in both subjects, this attracts 2 instances. The institution receives £504 per full-time instance of block 2. For new free schools the national average will be used (0.16193 instances per student in 2022 to 2023) unless a different value can be justified and a business case is approved.

The cost of education in London and parts of the South East is higher than in the rest of England, due to the cost of premises and maintenance, staff and other costs. We give institutions in these parts of England additional funding through the area cost uplift. The area cost uplift varies from 20% to 1%. Area cost uplift is not applied outside London and the South East.

The [High Value Course Premium](#) is to support the sector to grow the number of students studying substantial level 3 study programmes in [selected A level subjects or Sector Subject Areas \(SSAs\)](#) that lead to higher wage returns. Programmes which include at least 2 A levels or a level 3 qualification of 360 guided learning hours or more and are included on our published [list of qualifying qualifications](#) will attract an additional £600 for each year of the programme. For new free schools, the national average (0.31004) will be used unless a different value can be justified and a business case is approved

Discretionary bursary funding consists of 2 elements. Element 1 (financial disadvantage) is based upon the student's home postcode. Those in the top 27% most deprived areas of the country (based on IMD 2019) attract an instance value for element 1. Element 2 (travel costs) takes account of rurality and the distance travelled by each student to the

delivery location. Instances are then averaged to calculate the average instances per student for each element. For new free schools we will use the local authority average to take account of local variances.

High-needs funding may be allocated at £6,000 per student for each place as identified by local authority commissioning plans and decisions.

Other elements of the funding formula, such as Large Programme Uplift, Advanced Maths Premium, T levels, and Capacity and Delivery Funding are not applicable for new free schools.

For further information, please refer to the [16 to 19 funding guidance](#) on GOV.UK.

Pupil number adjustment (PNA)

It is vital to produce robust and realistic estimates of pupil numbers to ensure that the school is funded accurately (without the need for subsequent funding adjustments) and that they remain financially viable. In the first year of opening, an early PNA exercise shall be undertaken and if the October schools census shows that the school has not admitted the predicted number of pupils, any excess funding will be clawed back in the following academic year.

Where more pupils are recruited than have been funded for, ESFA will carry out an in-year reconciliation and pay any additional funding in February of the current academic year. ESFA will initially base allocations on an estimated number of pupils and local authority average pupil characteristic data. Any positive or negative adjustment calculated will also take account of the actual pupil characteristics returned in the October census and replace the averages initially used if it produces a more favourable outcome for the school.

From the second year of opening and for as long as the free school is funded on a basis of estimated pupil numbers, ESFA carries out the in-year reconciliation for the number of pupils, [in accordance with the published process](#), with any additional funding paid in July of the current academic year and recoveries commencing in the following academic year.

In cases where academies have a positive PNA identified and also a historical PNA liability is outstanding.

- where there is a net positive payment ESFA shall, in all cases, reduce the PNA by the amount of the outstanding debt
- where there is a net negative adjustment, ESFA will use the positive amount to offset the debt and ask for any agreed deferrals or repayment plans to be re-confirmed against the lower amount to ascertain if the changed circumstances make earlier repayment possible

Where local authorities have already funded for growth in pre-16 pupil numbers to meet basic need, ESFA will deduct the amount they have paid from any positive PNA to ensure that academies are only funded for the growth once.

Pupil premium

The pupil premium is a grant to provide schools with extra money to meet local challenges, chiefly those that may arise from deprivation. It is not a personal budget for pupils (like SEND funding) and carries no individual entitlements. Schools should assess the needs of all their eligible pupils and spend the pupil premium budget to meet those needs appropriately; some will need less expensive support, some will need more intensive support.

In 2022-23 schools receive the following funding for each pupil registered as eligible for free school meals (FSM) at any point in the last 6 years:

- £1,385 for pupils in reception to year 6
- £985 for pupils in year 7 to year 11

This includes pupils from families with no recourse to public funds (NRPF) that are temporarily eligible for FSM and registered in a claims process run by the Education and Skills Funding Agency (ESFA). Pupil premium eligibility was extended temporarily to some groups of pupils with NRPF in 2021-22.

Schools also receive £2,410 for each pupil who has left local authority care through adoption, a special guardianship order, a child arrangements order or a residence order. If a pupil has registered as eligible for free school meals at any point in the last 6 years and has also left local authority care for one of these reasons, they will attract the £2,410 rate.

Pupil premium payments are made to academies and free schools in quarterly instalments. A school's pupil premium allocation is calculated from the information it submits in the October schools census. Allocations are applied from the start of the next financial year (April), paid in arrears so maintained schools receive the first payment in June and academies in July.

Local authorities receive £2,410 for each looked-after child in their care, to be spent on their personal education plan in consultation with the child's school.

There is more information in [Using pupil premium: guidance for school leaders - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/pupil-premium-allocations-and-conditions-of-grant-2021-to-2022), including an explanation of the accountability requirements that can be found on <https://www.gov.uk/government/publications/pupil-premium-allocations-and-conditions-of-grant-2021-to-2022>

Children from service families attract a separate grant – the service premium, currently £320 per head. This has no connection with disadvantage - it is paid from the same

budget for convenience and is solely for the pastoral support of children whose parents are or were in the armed forces. More information about the service premium is available in: Service pupil premium (SPP) - GOV.UK (www.gov.uk).

Teachers' pay grant

From the 2021 to 2022 financial year the majority of the historic teachers' pay grant (TPG), teachers' pensions employer contribution grant (TPECG) and pensions supplementary fund money has been incorporated into the high-needs NFF allocations to local authorities.

The basic entitlement factor value in the NFF was increased by £660 to reflect the TPG/TPECG previously paid to local authorities for their maintained special schools, special academies and independent special schools.

We will continue to provide support to schools with respect to the 2018 and 2019 teachers' pay awards in the 2022 to 2023 financial year. From 2021 to 2022 the majority of this funding has been paid through the schools and high-needs national funding formulae (NFF).

We have ensured that the additional funding schools attract through the NFF is as close as possible to the funding they would have received if the funding was continuing as separate grants, without adding significant complexity to the formulae. More details can be found in the [NFF policy document](#).

We included funding previously paid through the teachers' pay grant within the core funding schools receive as part of their national funding formulae (NFF) allocations from April 2021 for maintained schools, and September 2021 for academies.

Maintained nursery schools, school nurseries, sixth forms, and 16-19 schools, are not funded through the NFF. In the 2022 to 2023 financial year the early years elements of the teachers' pay grant (TPG) will continue be paid as separate grants in 2022-23. The post-16 element of the TPG will be rolled into core 16-19 funding from the 2022/23 academic year. We will pay eligible schools the post-16 element of the TPG up to this point as a separate grant.

Beyond 2022-23 we intend to continue to simplify the allocation of this funding, by continuing the process of rolling in this funding into core allocations. We will provide information on how we intend to do that past 2022-23 in due course.

Teachers' pension employer contribution grant

The teachers' pension employer contribution grant (TPECG) provides additional funding to schools, to cover the cost of the increase in the employer contribution rate of the teachers' pension scheme (TPS) from 16.4% to 23.6% from September 2019.

We will continue to provide support to schools with respect to the 2019 increase to the employer contribution rate in the TPS 2022 to 2023 financial year. From 2021 to 2022 the majority of this funding has been paid through the schools and high needs national funding formulae (NFF). We included funding previously paid through the TPECG within the core funding schools receive as part of their national funding formulae (NFF) allocations from April 2021 for maintained schools, and September 2021 for academies.

We have ensured that the additional funding schools will attract through the NFF is as close as possible to the funding they would have received if the funding was continuing as separate grants, without adding significant complexity to the formulae. More details can be found in the [NFF policy document](#).

Maintained nursery schools, school nurseries, sixth forms, 16-19 schools, are not funded through the NFF. In the 2022 to 2023 financial year the early years and post-16 elements of the TPECG will continue be paid as separate grants.

Beyond 2022-23 we intend to continue to simplify the allocation of this funding, by continuing the process of rolling in this funding into core allocations. We will provide information on how we intend to do that past 2022-23 in due course.

Risk protection arrangement (RPA)

Risk protection arrangement (RPA) is an alternative to commercial insurance, whereby government funds cover any losses that arise. The RPA will cover losses that are in scope of the [RPA membership rules](#).

The RPA membership year runs from 1 September to the following 31 August, however members can join at any time. Please note, free schools can join the RPA scheme and receive cover prior to opening; there is no cost or premium to join the RPA in pre-opening. Free schools in the pre-opening stage, should have discussions with their delivery officer regarding RPA and inform them if they wish to opt into the RPA scheme at an early stage.

Once a school is open, ESFA will deduct the per-pupil cost at source from the free school's general annual grant (GAG). The cost of RPA will be £21 per pupil.

Free schools do not have to enter the scheme and are free to make their own alternative insurance arrangements; however, there will be no additional funding provided should extra costs be incurred. More information on [RPA](#) can be found on GOV.UK.

Business rates grant

Mainstream free schools pay business rates at the 80% discounted charitable rate. They will receive a grant to cover the actual costs paid if their billing authority is not adopting

the new NNDR payment process. This needs to be claimed via the online form on GOV.UK.

Special educational needs (SEN) top-up funding (high needs)

Mainstream free schools will receive additional funding, known as top-up funding, for pupils aged 0 to 19 with high needs (usually with an Education Health and Care Plan) from the local authority which commissioned the place. Schools will be expected to fund the first £6,000 of additional educational costs (over and above standard teaching and learning) for each high-needs pupil from their own budget. More information on high-needs funding arrangements can be found on [high-needs funding](#) on [GOV.UK](#).

Universal infant free school meals (UIFSM)

State-funded schools in England are required by law to provide free lunches to infant pupils (in reception, year one and year 2) who are not otherwise entitled to benefits-related free school meals.

Schools currently receive £445 for each of the eligible pupils, which is the equivalent of £2.34 per day for a school year for each of the eligible pupils. For free schools in their first year of opening, free school meals will initially be funded based on the estimates of the pupil numbers used to issue their indicative funding letter. Please note that any updates to the funding rate will be published with the allocations in June.

Schools will receive an initial provisional payment in October based on these estimates and the average UIFSM take up rate in their local authority. Adjustments to reflect actual pupil numbers will be made in July, based upon meal take up to date from the October and January schools' census. The July payment will also include an additional allocation for the first 2 terms of the next academic year.

PE and sport premium

Free schools with primary age pupils receive [PE and sport premium](#) funding from ESFA, based on the number of pupils in years 1 to 6. This grant is for a specific purpose, and will be paid separately to the GAG funding. Schools must use the funding in line with published guidance to make additional and sustainable improvements to the quality of physical education (PE), physical activity and sport they offer.

Open school allocations are based on the January schools census (for example January 2021 census for the 2021 to 2022 academic year). For new schools or a school teaching eligible pupils for the first time in the 2022 to 2023 academic year, funding will be based on the data from the October 2022 school census. For free schools that open in September 2022, the funding will be based on the data from the October census and will be paid to the school in the following March.

The free school will receive PE and sport premium funding for a new academic year from the ESFA in two separate payments. These are:

- 7/12 of the funding allocation in November 2022 (or in March 2022 for new schools)
- 5/12 of the funding allocation in May 2023.

The Department for Education is considering arrangements for the Primary PE and sport premium for the 2022-23 academic year and beyond. We are aware of the importance of providing schools with sufficient notice of future funding and will confirm the position as soon as possible.

Post-opening grant (POG) - central route projects only

Free schools (with the exception of LA presumption free schools) are provided with a post-opening grant to reflect the additional costs in establishing a new publicly-funded school which cannot be met through the GAG. The POG provides funding in 2 elements as the free school grows: non-staffing resources, paid on a per-pupil basis; and a leadership grant. These titles reflect the basis on which the funding is calculated, but the grant can be spent on any legitimate purpose of the school.

The first element (resources) is paid each year that the school builds up to capacity for each new pupil *expected* to be on roll, is not revisited to reflect actual pupil numbers and is taken from the final finance plan submitted before opening. It is paid at the following rates:

- £250 for each new mainstream pupil in the primary phase (years R to 6)
- £500 for each new mainstream pupil in the secondary and 16 to 19 phases (years 7 to 13)

The second element (leadership) is paid annually based on the number of year groups that the school will ultimately have that do not yet have pupils. The amount paid to mainstream schools with pupils aged 5 to 15 each year depends on how many year groups (cohorts) are empty, and is set out in the table below.

Table 1: Post-opening grants

Empty cohorts	6+	5	4	3	2	1	Maximum
Primary	£80,500	£67,500	£54,000	£40,500	£27,000	£13,500	£283,000
Secondary (regardless of whether the school plans to have a sixth form)			£125,000	£93,500	£62,500	£31,000	£312,000
All-through (regardless of whether the school plans to have a sixth form)	£125,000	£93,500	£62,500	£54,000	£40,500	£27,000	£402,500

The resource element of POG is paid over the first 3 months of the academic year, with 50% paid in month 1, 25% in month 2 and 25% in month 3.

The leadership element of POG is paid monthly.

Free schools set up through the local authority presumption route are not eligible for POG. They should liaise with the local authority to agree what, if any, post-opening/diseconomies funding the local authority will provide when the school opens.

Nurseries

Free schools do not receive funding under the free school programme for nursery places. To receive funding for government funded nursery places, free schools should register with their local authority, who will provide funding for the government entitlements where appropriate. The government early education entitlement offer includes:

- 15 funded hours for the most disadvantaged 2-year-olds;
- 15 funded hours for all 3 and 4-year-olds; and
- an additional 15 funded hours, making 30 hours, for the 3 and 4-year-olds of working parents.

Whilst they cannot charge parents for taking up an entitlements place, all childcare providers can charge parents for meals, consumables (such as nappies and sun cream) and for additional activities (such as trips). They also have the additional flexibility of being able to charge parents for extra hours taken up beyond entitlements. However, none of these extras can be made a condition of receiving the free entitlement.

The government funds local authorities to deliver the early education entitlements. Local authorities are required to pass this through to providers to deliver the entitlements (at

least 95% for the 3 and 4-year-old entitlements only) using each local authority's local funding formula. If free schools are interested in offering nursery provision, they should speak to their local authority to find out how much they could receive.

Free schools are also able to offer nursery provision which exceeds any local authority funded entitlement, including for under 3-year-olds. Subject to their funding agreement, free schools may fund this by charging parents directly to cover their costs in delivering this provision. This can also be done through a subsidiary company, or by contracting with an independent provider who levies charges.

Financial governance and accountability

Trusts will need to ensure that spending decisions are transparent, in the school's best interests and should not give rise to criticism of the trust by Parliament, and/or the public, and/or the media. Free schools will need sound financial procedures, the capacity to handle public money and good governance arrangements. On opening, a free school will need to have a robust framework to manage its funding and ensure proper accountability and procedures are maintained.

Academy Trust Handbook

The [Academy Trust Handbook](#), together with the funding agreement, sets out the financial management and governance requirements for academy trusts.

Trusts must comply with the handbook throughout the pre-opening period and once open. This is outlined within the grant agreements underlying any funding trusts receive from the department and/or ESFA. Non-compliance with the handbook is considered a breach of contract and may trigger various sanctions.

The handbook includes requirements in relation to financial oversight, financial planning, internal control, financial monitoring and management and proper and regular use of public funds as well as a number of other specific matters. The handbook also sets out the audit requirements for academy trusts.

The handbook is aimed at trustees, accounting officers (principals and chief executives), principal finance officers (finance directors and business managers), governance professionals (clerks) to the board of trustees, local governing bodies of multi-academy trusts and auditors.

The handbook clearly articulates that the accounting officer is personally responsible to Parliament, and to the accounting officer of ESFA, for the resources under their control. This personal responsibility extends to ensuring regularity, propriety and value for money. The accounting officer also has responsibilities for keeping proper financial records and accounts, and for the management of opportunities and risks.

Financial statements

Free schools, including those in the pre-opening phase, with a funding agreement with the Secretary of State and an open academy at any point during the accounting period must submit audited annual report and financial statements to ESFA, for each year ending 31 August, by 31 December.

The [academies accounts direction](#) prescribes detailed guidance for academy trusts on preparing and auditing academy trusts' annual financial statements. Prior to signing the funding agreement financial statements should be prepared in accordance with company law.

Trusts should set their [accounting reference date](#) to 31 August at Companies House. This is the date to which their financial statements will be produced.

The accounts must also be filed by 31 May (i.e. within 9 months of the end of the accounting period) with Companies House. Further information can be found on the [Companies House website](#).

Other financial returns

Trusts must also submit the following financial returns to the ESFA once open:

- budget forecast return outturn in May and the budget forecast return three-year in July. Note: the budget forecast return outturn is not required in 2022.
- audited financial statements for the year ending 31 August, by the following December (as noted in paragraph 104 above).
- academies accounts return for the year ending 31 August, by the following January.
- [land and buildings collection tool](#) as at 31 August, by the following November.
- [financial management and governance self-assessment](#) submitted to ESFA within 3 months of opening. The self-assessment highlights the main requirements academies must have in place soon after opening. The pre-opening self-assessment questions are available via the link above and are a helpful tool for trusts to assess a free school's financial governance and compliance prior to opening

Trusts are responsible for keeping up to date with the latest deadlines and requirements. More information about [academies financial returns](#) are available on GOV.UK.

Trusts can also keep up to date through the [ESFA Update](#)

Document exchange

Document exchange is a secure, online service accessible via DfE sign-in. It enables academies to receive and exchange documents with ESFA.

Document exchange automatically uses information from Get Information About Schools (GIAS) to add the academy to document exchange as soon as the academy has opened. An organisation's approver will be able to add the service for their organisation's users.

Our [Document exchange user guide](#) can help you get started with the service. For questions or queries regarding document exchange, please contact us via [the ESFA online enquiry form](#).

Further information

Further information on academies revenue funding is available on [the ESFA pages](#) on gov.uk.



Department
for Education

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Department
for Education

Securing developer contributions for education

November 2019

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Summary

This publication provides non-statutory guidance from the Department for Education (DfE). It has been produced to help local authorities secure developer contributions for education so that housing developers contribute to the cost of providing the new school places required due to housing growth. The guidance promotes good practice on pupil yield evidence, engagement with local planning authorities and the delivery of expanded or new schools with funding from housing development.

Expiry or review date

This guidance will be reviewed as necessary (for example, in response to changes in legislation or government policy).

Who is this publication for?

This guidance is for local authorities with a responsibility for providing sufficient school places under the Education Act 1996. It may also be a source of information for local planning authorities and other stakeholders involved in the delivery of schools.

Introduction

Government is committed to ensuring that there are enough good new school places to meet local needs, while also driving forward an ambitious housing agenda to increase housing delivery, home ownership and the creation of new garden communities. The timely provision of infrastructure with new housing is essential in meeting these objectives to secure high quality school places where and when they are needed.

DfE expects local authorities to seek developer contributions towards school places that are created to meet the need arising from housing development. You should consider the recommendations in this guidance alongside National Planning Practice Guidance on the evidence, policies and developer contributions required to support school provision.

This guidance is for local authorities with a responsibility to provide sufficient school places under the Education Act 1996. The guidance does not:

- Advise the construction/development industry on its duties or responsibilities in paying for infrastructure;
- Replace or override any aspects of other DfE publications such as guidance on [SCAP](#) and the [Admissions Code](#), or policy/guidance produced by other government departments;
- Make recommendations for individual schools or academy trusts on managing their capacity or published admission numbers;
- Propose new DfE policy on setting up new schools ([central](#) or [presumption](#) route), parental preference or the academy system.

Purpose

As a local authority with education responsibilities, you already provide evidence of education need and demand for use by planning authorities in plan- and decision-making. This guidance draws on existing good practice and is intended to help you establish a robust and consistent evidence base, underpinned by the following principles:

- Housing development should mitigate its impact on community infrastructure, including schools;
- Pupil yield factors should be based on up-to-date evidence from recent housing developments;
- Developer contributions towards new school places should provide both funding for construction and land where applicable, subject to viability assessment when strategic plans are prepared and using up-to-date cost information;
- The early delivery of new schools within strategic developments should be supported where it would not undermine the viability of the school, or of existing schools in the area.

There is great value in detailed local methodologies and guidance that explain to all stakeholders the process and reasons for the collection of developer contributions for

education in that area. This guidance is not intended to replace local approaches, which often provide detail on:

- The approach to seeking contributions for education from affordable housing.
- Types/sizes of homes that will be excluded from calculations of developer contributions.
- Education projects developer contributions may fund.
- The minimum viable size of new schools.
- Assumptions about the schools children from a development will attend, when assessing available capacity in affected schools.
- Minimum surplus capacity to allow for fluctuations in demand and parental choice, not counted as available when calculating developer contributions.
- Contributions 'in kind' (land and/or construction).
- Requirements on size and suitability of school sites, including checklists, exemplar layouts and facility specifications.
- Standard planning obligation clauses.

As local approaches to securing developer contributions for education are reviewed, they should take account of updated National Planning Practice Guidance, this guidance, and the Department's emerging national methodology for the calculation of pupil yields from housing development.

Mechanisms for securing developer contributions

1. Developer contributions for education are secured by means of conditions attached to planning permission, a planning obligation under Section 106 of The Town and Country Planning Act 1990, or the Community Infrastructure Levy (CIL). CIL revenues are intended to help fund the supporting infrastructure needed to address the cumulative impact of development across a local authority area. CIL can be used to fund the provision, improvement, replacement, operation or maintenance of a wide range of infrastructure, including education. Alternatively, a Section 106 planning obligation secures a contribution directly payable to the local authority for education (or direct provision of a school 'in kind'), though a planning obligation must comply with the following tests set out in the CIL Regulations¹, requiring it to be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

2. The CIL Regulations (as amended in September 2019) no longer impose a 'pooling restriction' on the use of planning obligations to fund the same type of infrastructure or infrastructure project, and an infrastructure project may receive funding

¹ Regulation 122 of [The Community Infrastructure Levy Regulations 2010](#).

from both CIL and Section 106. We advise you to work with local planning authorities in devising their approaches to securing developer contributions, to consider the most appropriate mechanism (Section 106 planning obligations and/or CIL) to secure contributions from developers towards education alongside other infrastructure funding priorities. Also, when CIL charging schedules are prepared, this engagement with local planning authorities should ensure that school developments are among those D1 uses that are viability tested. A nil rate can be applied if the viability evidence indicates this is appropriate. Local planning authorities should be made aware of the considerable public investment in community infrastructure that a school represents.

3. It is important that the impacts of development are adequately mitigated, requiring an understanding of:

- The education needs arising from development, based on an up-to-date pupil yield factor;
- The capacity of existing schools that will serve development, taking account of pupil migration across planning areas and local authority boundaries;
- Available sources of funding to increase capacity where required; and
- The extent to which developer contributions are required and the degree of certainty that these will be secured at the appropriate time.

4. The local authority providing children's services is not always the charging authority for the purposes of collecting and distributing CIL. Effective on-going communication between teams responsible for planning and education is essential to ensure that education needs and costs are factored into decisions about policy requirements and delivery mechanisms. In two-tier areas where education and planning responsibilities are not held within the same local authority, planning obligations may be the most effective mechanism for securing developer contributions for education, subject to the tests outlined in paragraph 1. The use of planning obligations where there is a demonstrable link between the development and its education requirements can provide certainty over the amount and timing of the funding you need to deliver sufficient school places. We recommend that planning obligations allow enough time for developer contributions to be spent (often this is 10 years, or no time limit is specified).

5. Central government basic need grant, the DfE free schools programme and other capital funding do not negate housing developers' responsibility to mitigate the impact of their development on education. When the DfE free schools programme is delivering a new school for a development, we expect the developer to make an appropriate contribution to the cost of the project, allowing DfE to secure the school site on a peppercorn basis and make use of developer contributions towards construction. National Planning Practice Guidance explains how local planning authorities should account for development viability when planning for schools within housing developments, including an initial assumption that both land and construction costs will

be provided.² Given that basic need allocations do not explicitly factor in funding for land acquisition, it is particularly important that education land required within larger development sites is provided at no cost to the local authority wherever possible, and pooled developer contributions (Section 106 and/or CIL) are secured for the purchase of standalone sites for new schools.

6. While basic need funding can be used for new school places that are required due to housing development, we would expect this to be the minimum amount necessary to maintain development viability, having taken into account all infrastructure requirements. Where you have a reasonable expectation of developer funding being received for certain school places,³ and you have declared this in your SCAP return (or plan to do so), then basic need funding should not be considered available for those school places other than as forward funding to be reimbursed by developer contributions later.

7. There are other options besides basic need grant for forward-funding school places, including the use of local authority borrowing powers where necessary. Where new schools or school expansion is necessary to mitigate the impacts of development, and those new facilities are to be forward funded (for example by local authorities borrowing money to fund school development prior to receiving Section 106 monies or by using capital reserves), it may be possible to secure developer contributions to recoup the monies spent, including interest, fees and expenses as well as the principal sum spent. Where this model is envisaged, we recommend that you engage with the local planning authority before forward funding occurs to ensure that the local planning authority supports this approach. The CIL Regulations prohibit borrowing against future CIL receipts, so this method of forward-funding only applies to planning obligations. Local authorities can bid for funding under government grant programmes such as the Housing Infrastructure Fund (HIF) as they become available, while developers delivering schools directly as an 'in kind' contribution may be eligible for loan funding from DfE or Homes England, allowing a new school to be delivered at an earlier stage in the development than would have been possible otherwise.⁴

Evidence of pupil yields from housing development

8. Pupil yield factors should be based on up-to-date evidence from recent local housing developments, so you can forecast the education needs for each phase and type of education provision arising from new development. As well as being useful for pupil place planning across your area, pupil yield factors allow you to estimate the number of

² [National Planning Practice Guidance](#). Construction costs include ICT and furniture and equipment required for the delivery of the school.

³ In accordance with a local plan's viability assessment, policies and/or an infrastructure funding statement.

⁴ Guidance on the [Home Building Fund](#) and DfE [Developer Loans for Schools prospectus](#).

early years, school and post-16 places required as a direct result of development, underpinning the contributions agreed in planning obligations. We are working on a detailed methodology for calculating pupil yields from housing development (including assessment of available capacity in existing schools), to be published in due course. In the meantime, local approaches to calculating pupil yields remain valid.

9. While many early years settings fall within the private, voluntary and independent (PVI) sector, local authorities have a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. DfE has scaled up state-funded early years places since 2010, including the introduction of funding for eligible 2 year olds and the 30 hours funded childcare offer for 3-4 year olds. The take-up has been high, increasing demand for early years provision. All new primary schools are now expected to include a nursery. Developer contributions have a role to play in helping to fund additional nursery places required as a result of housing growth, however they may be provided, in particular where these are proposed as part of school expansions or new schools.

10. You are also responsible for ensuring sufficient schools for pupils receiving primary and secondary education up to the age of 19. Furthermore, you must secure sufficient education and training provision for young people with an Education, Health and Care (EHC) plan, up to the age of 25.⁵ Pupil yield data should identify the number of students living in recent housing developments, aged 16-19 (without an EHC plan) and up to the age of 25 (with an EHC plan). We advise you to seek developer contributions for expansions required to sixth form and special educational needs and disabilities (SEN) provision, commensurate with the need arising from the development.

11. To determine the need for SEN provision, pupil yield data should identify the number of pupils/learners within recent local housing developments who attend special schools, pupil referral units or alternative provision, SEN units and resourced provision within mainstream schools. It is reasonable and fair to seek developer contributions for SEN provision in direct proportion to the needs arising from planned housing development, applying the same principle to SEN provision as to mainstream. There is no standard capacity assessment applicable to special schools and other types of non-mainstream education, as their ability to accommodate pupils depends on the specific needs of each child. However, an increase in housing will lead to an increase in SEN, and we advise you to seek developer contributions for all special school/SEN places generated by a development, where there is a need for additional SEN provision. Greater travel distances to special schools and alternative provision should not affect your

⁵ [Participation of young people: education, employment and training.](#)

consideration of whether a planning obligation meets the legal tests outlined in paragraph 1.

12. We advise you to identify a range of SEN or other non-mainstream projects and ensure that planning obligations allow you the flexibility to direct funds appropriately within a 10 year period. Non-mainstream provision does not conform to standard class sizes, these being determined according to need. While it may be appropriate to pool contributions towards a new classroom in a special school or SEN unit at a mainstream school, it is equally valid to seek contributions for school building alterations that increase a school's capacity to cater for children with SEN, such as additional space for sensory rooms, facilities to teach independent living skills or practical teaching space.

13. It is not necessary to disaggregate the SEN pupil yield factor according to different complex needs. All education contributions are based on an assessment of probability and averages, recognising that the precise mix of age groups and school choices cannot be known before a development is built. Site-specific factors will always need to be taken into account, but a robust local authority-wide pupil yield factor based on evidence of recent developments will often be sufficient to demonstrate that this need is reasonably related in scale and kind to the development.

Costs of provision

14. The amount of money that you seek to secure through developer contributions for education provision should reflect the cost of providing school places, linked to the policy requirements in an up-to-date emerging or adopted plan that has been informed by viability assessment.

15. We advise that you base the assumed cost of mainstream school places on national average costs published in the DfE school place scorecards.⁶ This allows you to differentiate between the average per pupil costs of a new school, permanent expansion or temporary expansion, ensuring developer contributions are fairly and reasonably related in scale and kind to the development. You should adjust the national average to reflect the costs in your region, using BCIS location factors.⁷ We recommend the use of index linking when developer contributions are discussed at planning application stage and in planning obligations, so that contributions are adjusted for inflation at the point they are negotiated and when payment is due.

⁶ [School places scorecards](#).

⁷ Further guidance on doing this is available with the school place scorecards (see the technical notes) for 2018 onwards.

16. Developer contributions for early years provision will usually be used to fund places at existing or new school sites, incorporated within primary or all-through schools. Therefore, we recommend that the per pupil cost of early years provision is assumed to be the same as for a primary school. Similarly, further education places provided within secondary school sixth forms will cost broadly the same as a secondary school place.

17. Special schools require more space per pupil than mainstream schools, and this should be reflected in the assumed costs of provision. We recommend that developer contributions for special or alternative school places are set at four times the cost of mainstream places, consistent with the space standards in Building Bulletin 104.⁸ You can also refer to the National School Delivery Cost Benchmarking report for the costs of delivering SEN school places.⁹

18. Where there is local evidence of higher costs for a particular project, such as a bespoke feasibility study or known site abnormalities, these can be used in preference to the adjusted national average.

Identifying education projects

19. Local plans and other planning policy documents should set out the expectations for contributions from development towards infrastructure, including education of all phases (age 0-19) and special educational needs.¹⁰ We advise local authorities with education responsibilities to work jointly with relevant local planning authorities as plans are prepared and planning applications determined, to ensure that all education needs are properly addressed, including temporary education needs where relevant, such as temporary school provision and any associated school transport costs before a permanent new school opens within a development site. This does not mean double funding the same school places, but allows development to be acceptable in planning terms when it is not possible to open a permanent new school at the point of need. When a permanent new school is delivered (or the relevant financial contribution is received), no further contributions to temporary provision should be required.

20. We recommend that you identify a preferred and 'contingency' school expansion project in a planning obligation, as long as both would comply with the Section 106 tests. This will help you respond to changing circumstances and new information, such as detailed feasibility work leading you to abandon a preferred expansion project.

⁸ [Primary and secondary school design guidance.](#)

⁹ [National School Delivery Cost Benchmarking: Primary, Secondary and SEN Schools](#)

¹⁰ [National Planning Practice Guidance](#)

21. We advise you to consider the realistic potential for schools in your area to expand or increase capacity through other alterations, in discussion with academy trusts, and identify site options for any new schools (within proposed housing developments or on standalone sites). Including suitable projects in the local planning authority's infrastructure funding statement will ensure that developer contributions are clearly identified as the funding source where new schools, expansions or alterations are required due to housing growth. This background work will also minimise the risk of a specified school project in a planning obligation proving undeliverable. Planned expansions to academies may require an agreement between the local authority and academy trust to ensure that school places provided by developer contributions are commissioned/delivered appropriately.

Safeguarding land for schools

22. National Planning Practice Guidance advises on how local planning authorities should prepare plans and take account of education requirements. We advise you to work with local planning authorities and developers to ensure your long-term pupil place planning objectives are reflected in the development plan (and supplementary planning documents which do not form part of the development plan, but which are material planning considerations).¹¹ Precise policies can aid decision-making later, setting out the total amount of land required for education, and the approach to securing equitable developer contributions when one developer provides the land for a new school, though the need for the school is generated by more than one development or phase.

23. You may wish to safeguard additional land when new schools within development sites are being planned, to allow for anticipated future expansion or the reconfiguration of schools to create a single site. 'Future-proofing' can sometimes be achieved informally through a site layout that places open space adjacent to a school site. Where there is a forecast need for new school places that is not linked exclusively to a particular development, the development plan can allocate specific areas of land for new schools or school expansion, and safeguard specific parcels of land within wider development sites for education use. Safeguarded land within larger site allocations can be made available for purchase by the local authority within an agreed timescale, after which the land may be developed for other uses.

24. While developers can only be expected to provide free land to meet the education need from their development, the allocation of additional land for education use within a development plan will make it more difficult for land owners to secure planning consent

¹¹ The development plan is defined in Section 38 of the [Planning and Compulsory Purchase Act 2004](#), and comprises the spatial development strategy, development plan documents and neighbourhood development plans.

for alternative uses on that land, enabling you to acquire the site at an appropriate cost that reflects the site allocation. This ensures that land is reserved for education uses, and prevents such land being usurped by uses with a higher development value. Land equalisation approaches can be used in multi-phase developments to ensure the development 'hosting' a new school (and any additional safeguarded land) is not disadvantaged. Nevertheless, the market price for the land will depend on its permissible uses. Land allocated for educational use in a local plan would usually have limited prospect of achieving planning permission for any other uses. Independent land valuation may be required to establish an acquisition cost. National Planning Practice Guidance provides advice on land valuation for the purposes of viability assessment.

25. Compulsory purchase may have a potential role in supporting the delivery of new education facilities. However, it is a tool of last resort and compulsory purchase orders (CPOs) will only be confirmed (i.e. approved) if there is a compelling case in the public interest. Where an acquiring authority seeks to acquire land for the purposes of providing education facilities, its justification for doing so may be strengthened if the site is allocated for such a use in an up-to-date development plan. Planning policy is also taken into account for the purposes of assessing compensation payable to affected landowners.

26. Where new schools are planned within housing developments, we advise you to consider whether direct delivery by the developer would represent the best value for money, subject to an appropriate specification and pre-application support from the local planning authority. Advice on complying with state aid and public procurement legislation is provided in the Annex.

Strategic developments and new settlements

27. Garden communities are an increasingly popular way of planning for housing growth at the scale required to meet the country's housing needs. The government is supporting a number of garden communities under the Garden Communities Programme. We have published guidance on education provision in garden communities, to assist local planning authorities and Homes England in delivering schools as part of garden communities.¹² We advise you to consider this in conjunction with this guidance on securing developer contributions for education.

28. Strategic planning of urban extensions and new settlements often includes place-making objectives about the early provision of infrastructure, to establish a sense of community and make the place attractive to residents. Early delivery of a school can be problematic if it precedes new housing and draws pupils from existing schools,

¹² [Education Provision in Garden Communities](#)

threatening their viability and resulting in unsustainable travel-to-school patterns. We advise local authorities with education responsibilities to work jointly with local planning authorities and other partners to agree the timing of new school provision, striking an appropriate balance between place-making objectives, education needs and parental preference.

29. Schools can be delivered in single or multiple phases; the best approach will depend on local circumstances and characteristics of the development. Where appropriate, for instance in the early stages of development while the need for school places is growing, developer contributions can be secured for temporary expansions to existing schools if these are required, and transport costs for pupils travelling further than the statutory walking distance.¹³ This will allow a permanent new school to be provided in a single construction phase once the development has generated sufficient pupil numbers, rather than phased construction over a longer period. While the existing pupil cohort may not switch schools initially, children living in the development will usually have priority for admission to the new school and will take up these school places over time.

30. As far as possible (and often in relation to primary schools only), new settlements and urban extensions should be expected to meet their full education requirement. Where an onsite school is required, it should be large enough to meet the need generated by the development. As a general rule, the capacity of existing primary schools beyond the statutory walking distance does not need to be taken into account when calculating developer contributions for permanent onsite schools in new settlements and urban extensions. This promotes sustainable and healthy travel patterns for young people.

31. When a permanent new school is proposed to be built early in the development of an urban extension or new settlement, you will naturally consider the effect this might have on parental demand and the viability of existing schools. To minimise detrimental impacts on existing schools while supporting local planning authorities to plan new communities, you should work with school providers and the relevant Regional Schools Commissioner to promote Admission Arrangements and opening strategies that will maintain equilibrium in school populations across your area. This can include phased delivery, with the initial phase future-proofed for future expansion (such as an oversized assembly hall and dining area) and land safeguarded for the school's expansion when need builds up over a long period, though it is important to secure commitment to the delivery of later phases.

32. You should also work with local planning authorities to ensure that planning policies and planning obligations require a suitable school site to be made available at

¹³ The statutory walking distances are set out in the [Home to School Transport guidance](#)

the appropriate time. If early school delivery is required, the school site must be identified and agreed at an early stage, giving consideration to its accessibility and condition at the point of transfer.

33. If a new school opens in a single phase below its full capacity while it awaits pupils moving to the development, this does not represent an available surplus for other developments assessing their own impact and mitigation, unless the development delivering the new school will not be completed or generate enough pupils to fill the school. Complementary uses that share the school site can be considered for a temporary period while a new school fills. In practice, you may prefer to deliver the school in phases using modular construction methods, linking capacity more closely to emerging need, though the initial phase must still provide a viable sized school.

34. New housing tends to attract more young families than older housing, yielding higher numbers of pupils particularly in the pre-school and primary age groups, though this stabilises over time until the development resembles the mature housing stock.¹⁴ We advise you to respond to initial peaks in demand, such as planning for modular or temporary classrooms, securing a large enough site to meet the maximum need generated by the development. Where new settlements are planned, you may wish to carry out demographic modelling to understand education requirements in more detail, taking account of similar developments and different scenarios such as an accelerated build rate.

35. Where a requirement for both primary and secondary schools has been identified, we recommend you consider if there would be cost efficiency, space saving and educational benefits in providing an all-through school.

36. There may also be sustainability, efficiency and educational benefits in relocating an existing school, for example where a development is large enough to require a new secondary school but it would be too close to an existing secondary school, both of which would be relatively small. Such reorganisation of the school estate, relocating and expanding an existing school on a development site, may be necessary to make the development acceptable in planning terms, if the alternative distribution, size or condition of schools would be unsustainable. Proposed changes are subject to following the relevant process, depending on the category of the school.¹⁵ We advise that you work collaboratively with local planning authorities to ensure your objectives for the school estate are reflected in planning policies and decisions.

¹⁴ This phenomenon is widely reported in local authority evidence, such as for [Central Bedfordshire](#) and [North Essex Garden Communities](#).

¹⁵ [School organisation guidance and transparency data](#).

37. There is often a degree of uncertainty around the delivery of urban extensions and new settlements, in view of the long timescales involved, multiple developers and changeable market conditions. The build rate of development may be slower than anticipated, while land provided for a school may need to be returned to a developer if it is not used within an agreed period. Therefore, it is important to consider carefully the clauses within planning obligations if they impose any time restriction on the use of transferred education land, and the potential for the overall phasing of developer contributions to cause delays. Where land has to be returned to a developer, this should be on the same terms as it was given; land provided by free transfer should be returned as such.

38. We also advise you to consider any potential uplift in the value of a development following the grant of planning permission and before all housing units are sold or let. It may be possible to secure the full education contribution, where this had previously been reduced on viability grounds, using planning obligation review mechanisms. National Planning Practice Guidance advises further on how viability should be assessed during the lifetime of a project. We recommend that you work with local planning authorities to set out in plans the circumstances where review mechanisms in planning obligations may be appropriate, allowing you to maintain policy compliance on education contributions when circumstances have changed.

39. To support the delivery of strategic development at pace, you may need to forward-fund school provision within an urban extension or new settlement, using basic need funding or local authority borrowing if necessary and recouping these costs later through developer contributions secured by a planning obligation. While we recognise there are some inherent risks to this, our position on the use of basic need funding and other forward-funding options is set out in paragraphs 5-7 above.

Annex

Developer delivery of new schools

1. Direct delivery of new schools by housing developers may represent good value for money. This model of delivery should not contravene state aid or public procurement rules. While we advise you to seek your own project-specific legal advice when necessary, this annex sets out the department's view on the legal position at the time of publication. Local authorities should keep abreast of emerging case law that may have a bearing on this advice, and any legislative changes following the UK's exit from the European Union.¹⁶

2. While the department supports developer delivery of schools in principle, we recognise that local circumstances vary and it will not always be the preferred option. Nevertheless, high quality design and performance for developer-built schools are achievable through the planning and building control process, and compliance with national standards such as the DfE building bulletins, output specification and other design standards and guidance.¹⁷

3. When developer delivery is proposed, we recommend a partnership approach between the local authority, academy trust (where relevant) and developer to negotiate a brief and design specification (see further advice below regarding procurement); such collaboration is good practice and helps to avoid disputes.

4. We recommend that planning obligations or other mechanisms provide detail on how local authorities intend to step in and deliver the school if developer delivery falls through but the school is still required. Longstop clauses should ensure that the land for the school is transferred early enough for the local authority to intervene and provide the school at the right time. In these situations, the planning obligation should also require financial contributions to be made in lieu of the 'in kind' provision of the school by the developer, making use of review mechanisms where necessary to respond to changing circumstances. Even in cases where a planning obligation is silent on this subject, Section 106(6) of The Town and Country Planning Act 1990 provides that the local authority may enter land to carry out works required by a Section 106 agreement where the developer is in default, although where a risk of non-delivery is identified, we

¹⁶ At the time of publication, current rules are expected to be preserved in domestic law. See [The State Aid \(EU Exit\) Regulations 2019](#) (draft) and [EU Exit guidance on public-sector procurement](#).

¹⁷ [School design and construction guidance](#).

recommend that specific planning obligations are secured to mitigate that risk (for example through performance bonds).

State Aid

5. In some cases, all relevant parties will support developer delivery of a new school, but the local authority accepts that the developer cannot fully fund the new school and its delivery would need a degree of public subsidy. It is important this this does not constitute unlawful state aid to the developer.¹⁸

6. The question is whether a contribution by a local authority to the cost of the school (otherwise being funded by the developer under a planning obligation) is a grant of incompatible state aid to that developer. The answer depends on the circumstances that give rise to the local authority's contribution. There are two principal questions. Has the public contribution arisen:

- (a) Because planning law/policy only requires the developer to make a partial contribution; or
- (b) Because the local authority has otherwise volunteered to make this contribution?

Planning law/policy only requires the developer to make a partial contribution

7. This is unlikely to give rise to incompatible state aid (unlawful). If planning law/policy only requires the developer to make a partial contribution then no incompatible state aid should arise merely because the local authority (or another public sector body) funds the balance of those costs. This is subject to the relevant public sector body satisfying itself (through benchmarking and/or a cost consultant's report) that the developer's costs of building the school are not more than market costs. This would apply even if the initial application of planning policy dictated that the developer makes a full contribution but after applying planning viability principles (taking account of the total infrastructure burden on the development) the developer's contribution was reduced.

8. National Planning Practice Guidance says that for the purpose of plan making, an assumption of 15-20% of gross development value may be considered a suitable return to developers, in order to establish the viability of plan policies. A local authority's contribution to school delivery which supports a higher profit margin for a particular developer may be considered a voluntary contribution (see below) and a selective benefit to one developer, which may amount to unlawful state aid.

¹⁸ Guidance relating to [state aid](#) and [CIL](#), and [The State Aid \(EU Exit\) Regulations 2019 \(draft\)](#).

9. The rationale for this assessment is that the key state aid test to be applied to the developer is whether it has selectively benefitted from the local authority's contribution. For example, if under planning law/policy it (or any other developer) would have only been required to fund 60% of the school's costs then it has not selectively benefitted as another developer (in identical circumstances) would also only be required to make the same 60% contribution. The extent of the local authority's contribution (if required) will usually be determined through viability assessment.

The local authority has otherwise volunteered to make this contribution

10. A voluntary contribution by the local authority would raise an issue that its funding may grant a selective benefit to the developer and could amount to incompatible state aid (unlawful).

11. The local authority may require a larger school than the development must provide, such as an increase to two forms of entry (2FE) when the development generates a need for a 1.5FE school. This may constitute a voluntary contribution but would not provide a selective benefit to the developer, provided any other developer in identical circumstances would receive the same contribution for additional school places, so in such circumstances the risk that this would amount to incompatible state aid is considered low.

Public contracts and OJEU procurement

12. Under the Public Contracts Regulations 2015 (PCR), a contract for a pecuniary interest may be considered a 'public contract'. If there is consideration being provided by the contracting authority, either directly or indirectly, then the contract will be subject to the PCR.

13. UK Case law makes a distinction between planning obligations and other contracts, recognising that the public body is exercising its planning powers in order to regulate the development of land, rather than procuring an economic benefit.¹⁹ Therefore, where a Section 106 agreement places an obligation on a developer to provide land/or buildings for a new school because this is necessary to make the development acceptable in planning terms (a prerequisite for a planning obligation), that Section 106 agreement does not constitute a public contract.

14. A separate development agreement with a developer may constitute a public contract, specifically a public works contract, which would require the local authority to undertake procurement under the Official Journal of the European Union (OJEU) or the

¹⁹ *Faraday Development Ltd. and West Berkshire Council and St Modwen Developments Ltd. [2018] EWCA Civ 2532 and Helmutt Muller GmbH v Bundesanstalt für Immobilienaufgaben (C-451/08)*

equivalent following the UK's exit from the EU. it is important that a number of principles contained in relevant case law²⁰ are complied with:

- a) there is no positive works obligation on the developer (either immediate or contingent) to build the school in any event (meaning could the public authority force the developer to build the school even if that developer never implemented its planning permission); and/or
- b) The public body has no 'decisive influence' on the design of the school. (The public authority is entitled to contribute to discussions about, be consulted on and set parameters about the building (e.g. compliance with national standards) but not have the ultimate decision about the works specification). Ultimately, it is for the courts (and the European Court of Justice) to rule upon the lawfulness of any public works funding.

15. As set out above, where a Section 106 agreement secures the provision of a school as a planning requirement and no consideration arises, it is not likely to be a public contract so is unaffected by considerations around positive works obligations and decisive influence over design. If a local authority then enters into a separate contract with a developer in addition to the planning obligation, it is important that the developer would not be legally obligated to perform the works and could walk away from them at any time, until the development commenced.

16. The extent to which a contracting authority can become involved in the design of works before it is deemed to be "specifying" such works has been explored in case law and guidance.²¹

17. A contract would only be deemed a public works contract if the contracting authority took measures to define the type of work to be undertaken by the developer partner or at the very least had a "decisive influence" on its design. "Requirements specified by the contracting authority" has been taken to exclude the exercise of a public authority's urban planning powers in examining building plans presented to it, or the decision to apply its planning powers in relation to a particular project.

18. The former Office of Government Commerce (OGC) provided further interpretation of the land exemption. In particular they were of the view that:

- (a) national or local land-use planning policies, requirements or restrictions for a site would not in themselves comprise a requirement specified by the contracting authority;

²⁰ The Queen (on the application of Midlands Co-operative Society Limited) and Birmingham City Council [2012] EWHC 620 (admin); Helmutt Muller GmbH v Bundesanstalt für Immobilienaufgaben (C-451/08); Faraday Development Ltd. and West Berkshire Council and St Modwen Developments Ltd. [2018] EWCA Civ 2532

²¹ Helmutt Muller GmbH v Bundesanstalt für Immobilienaufgaben (C-451/08) and Office of Government Commerce (OGC) Information Note 12/10 (30 June 2010).

- (b) a broad invitation that a site should be developed in accordance with applicable or national local land-use planning policies but with the developer free to put forward its own intentions, proposals and specifications within these parameters is unlikely to trigger a requirement specified by the contracting authority.

19. Although the OGC no longer exists as a distinct government department, their guidance note has been referenced by the domestic Courts and it is still considered useful guidance in the UK. However, reliance on OGC views may need to be reviewed if their position is overruled by the European Courts or the Commission, or by domestic Courts following the UK's exit from the EU.

20. When school construction is complete, an academy trust takes on responsibility for the building and its operation. In terms of procurement law, it is the entrustment by the contracting authority of the obligation to undertake the works that is relevant, not the reasons for doing so, or the beneficiary of the works.²² The fact that a school is to be transferred to an academy trust post-construction does not affect consideration of whether the procurement amounts to a public works contract.

²² Jean Auroux v Roanne (C-220/05).



Department
for Education

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West Berkshire National Planning Policy Framework (July 2021) paragraph 22 Vision

1 Introduction

- 1.1 West Berkshire District Council (WBDC) wishes to procure consultancy services to deliver focussed visioning work for two settlements to support the Local Plan Review (LPR) 2021 - 2037; Newbury where the strategic site Sandlesford (circa 1,500 dwellings) is proposed and Thatcham where the strategic site, North East Thatcham (circa 2,500 dwellings) is proposed.
- 1.2 The visioning will support the spatial strategy for the West Berkshire LPR.

Objective

- 1.3 To produce visions, that looks ahead at least 30 years, for Newbury and Thatcham. The visions should be innovative, and ambitious, and supported by comprehensive consultation and engagement with the community.

2 Planning and other relevant policy documents

National

- 2.1 The National Planning Policy Framework (NPPF) and the supporting Planning Practice Guide (PPG) sets the planning policy context in which local plans are prepared. NPPF paragraph 14 requires local planning authorities to positively seek opportunities to meet the development needs of their area.
- 2.2 Core planning principles set out in the NPPF include that planning should:
- *Be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and cooperation to address larger than local issues.*
 - *Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*
 - *Contribute to conserving and enhancing the natural environment and reducing pollution.*
 - *Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;*
 - *Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.*
- 2.3 Amongst other matters, the NPPF advises that local plans should:
- *indicate broad locations for strategic development on a key diagram and land-use designations on a proposals map;*
 - *allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate;*
- 2.4 The NPPF was updated in July 2021 to reflect the requirement to produce a vision for strategic sites which is the reason for procuring this work. Paragraph 22 now states:
*“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.”*

Local

- 2.5 The adopted development plan for WBDC comprises the following documents:
- [West Berks Core Strategy](#) - The Core Strategy was adopted in July 2012 and sets out the Council's overall planning strategy to 2026. It explains the vision for the area, and how it will be delivered. It also provides a framework for more detailed policies which are contained in the Housing Site Allocations (HSA) DPD.
 - [West Berks Housing Site Allocations](#) - The HSA DPD was adopted in May 2017 and implements the framework set by the Core Strategy by allocating non-strategic housing sites across West Berkshire. It also allocates sites for Gypsies, Travellers and Travelling

Showpeople, sets out residential parking standards and policies to guide housing development in the countryside.

- [Stratfield Mortimer Neighbourhood Development Plan](#) The Stratfield Mortimer NDP was adopted in June 2017. It includes one housing allocation and designates 5 Local Green Spaces. It also includes a series of policies that cover housing mix and density, general design, commercial, infrastructure, and biodiversity and environmental gain.
- [West Berks Local Plan 1991-2006 saved policies](#) The Core Strategy and HSA DPD replaced a number of the saved policies however some saved policies of the West Berkshire District Local Plan 1991 - 2006 still form part of the current local plan.

[Local Plan Review](#)

- 2.6 The Council is reviewing its Local Plan. The LPR will guide development in the District up to 2037. A consultation on the emerging draft version of the LPR took place from December 2020 – March 2021.
- 2.7 The Council was intending to consult on its draft version of the LPR in autumn 2021 however this will now not take place. Two strategic urban extension sites are proposed for allocation in the LPR:
- Policy SP16 proposes a strategic site allocation of approximately 1,500 homes at Sandleford.
 - Policy SP17 proposes a strategic site allocation of approximately 2,500 homes at North East Thattham.

To comply with updated NPPF policy, the Council will produce visions for Newbury and Thattham in line with paragraph 22. These vision will draw on, and compliment, the existing overarching vision contained with the LPR.

West Berkshire Minerals and Waste Planning Policy

- 2.8 The current planning policy comes from the [Replacement Minerals Local Plan for Berkshire](#) (RMLP) and the [Waste Local Plan for Berkshire](#) (WLPB). These plans were produced jointly by the unitary authorities that make up the former Berkshire County area. The Secretary of State has directed that a number of policies in the [RMLP](#) and [WLPB](#) for Berkshire should be saved indefinitely until replaced by national, regional or local Minerals and Waste policies.
- 2.9 The Council has produced a new Minerals and Waste Local Plan that will replace the above and sets out the proposed policies to manage mineral and waste development in West Berkshire as well as allocating sites for mineral extraction for the period to 2036. The plan is currently at examination.

Corporate

- 2.10 A number of [corporate strategies, policies and plans](#) also exist within the Council. The visions will need to have considered these and embed the key aspirations, aims and priorities contained in these documents in the visions. Some of the key documents are listed below but all corporate strategic, policies and plan are relevant.

- [West Berkshire Vision 2036](#)
- [Council Strategy 2019-2023](#)
- [Environment Strategy 2020-2030](#)
- [West Berkshire's Housing Strategy 2020-2030](#)
- [Economic Development Strategy 2020-2023](#)
- [West Berkshire Cultural Heritage Strategy 2020-2030](#)

3 Context

West Berkshire District

- 3.1 West Berkshire lies on the western fringe of the South East region, centrally located, at a crossroads where the South East meets the South West and where the south coast comes up to meet the southern Midlands. As such, the district lies at the convergence of two key road arteries in the south – the M4 and the A34. Both provide direct road links in all directions, with all the key urban centres in southern England.
- 3.2 The district has good rail links, with London less than an hour by train and further connections, via Reading, to all the mainline routes throughout the country. The area also has very good links to international transport hubs: Heathrow and Southampton airport are 40 miles away, as are the ferry terminals in Southampton and Portsmouth, providing links with the continent.
- 3.3 The district is primarily made up of chalk Downlands, loosely centred along the lower reaches of the River Kennet, which rises in Wiltshire and flows through to join the Thames at Reading. Most people within the district live within this valley. The majority of the district lies to the north of the Kennet. This is an area of gently rolling, chalk Downlands, classified as part of the North Wessex Downs Area of Outstanding Natural Beauty (AONB).
- 3.4 The population of West Berkshire population as is approximately 158,400 (ONS mid-year population estimate 2019). 73% of people live in settlements along the Kennet Valley and in the suburban areas just to the west of Reading borough. The largest urban area in the district is Newbury and Thatcham, where around 67,000 (43%) of West Berkshire residents live. 16% of residents live in the suburban area adjoining Reading borough. Other significant towns in the district are Hungerford and Theale. The remainder of the population are dispersed in small rural settlements across the district.
- 3.5 The two largest groups of commuters travelling into the district originate from Basingstoke and Deane and Reading; whereas West Berkshire residents mainly commute to Reading and London.

Newbury

- 3.6 Newbury is a traditional market town and the largest settlement in West Berkshire. It provides significant employment opportunities as well as retail and leisure facilities. It is the main focus of growth in the adopted Local Plan. Newbury's accessibility in terms of access to rail and the strategic road network means that it remains a key focus for business investment and development in the Local Plan Review. The Sandleford Park strategic site allocation, to the south of the town, is proposed to be rolled forward as an allocation in the LPR as it has yet to be delivered. The site, which is expected to deliver approximately 1,500 is the subject of an appeal which is currently being determined by the Secretary of State.

Thatcham

- 3.7 Thatcham is an historic market town approximately 3 miles west of Newbury. Since the 1970s, the town has grown significantly, by 40% from 1971 to 1980 and by another 50% from 1981 to 2001. As the new developments were low density and car-orientated, Thatcham did not see a growth in self-containment but instead services became concentrated in Newbury. The town was severely affected by flooding in 2007 and over 1,000 homes were flooded. While Newbury is the main focus for growth in the adopted Local Plan, the LPR seeks to focus strategic growth on Thatcham with the delivery of a circa 2,500 home urban extension to the north east of the town and the associated infrastructure that comes with this. This presents an opportunity for increased investment in the town as a whole

4 Specification

Strategic visions for Newbury and Thatcham to support two potential strategic site allocations. (To be completed by April 2022).

Considerations

- 4.1 The successful candidate will be expected to produce strategic visions that are innovative and capable of anticipating changing circumstances over a long term period. The visions will support relevant policies contained in the LPR. They must contain a clear spatial steer to where growth in Newbury and Thatcham over the 30 year period will take place.
- 4.2 The visions must also align with the wider vision already outlined in the emerging draft version of the LPR and reflect and support the policy direction of the document. In addition, consideration must be given to the responses the Council received to the consultation on the emerging draft version of the LPR.
- 4.3 Whilst clearly drawing on the LPR, the visions must also consider the other corporate policy documents set out in paragraph 2.1.
- 4.4 High level masterplanning work for the North East Thatcham site ([the Thatcham Strategic Growth Study](#)) has already been produced and this must be the starting point for visioning work for the wider town. The vision for Thatcham will build on this work and will need to set out the strategic direction of development in the town over the next 30 years versus the more local vision for the town.
- 4.5 While town centre visioning work has been done for Newbury and should be taken into account, equivalent work to the Thatcham Strategic Growth Study does not exist. The visioning work for Newbury will need to set out the strategic direction of development over the next 30 years versus the more local vision for the town. Newbury is a newly designated area and the town council have indicated that they will produce a neighbourhood plan and this must also be considered.

Consultation and engagement

- 4.6 A key part of the work will be the consultation and engagement element. Some responses to the emerging draft version of the LPR, and supporting documents, are critical of the consultation that has already taken place. A consultation strategy should support the visioning work, clearly setting out an approach that will ensure increased levels of engagement across multiple stakeholders. Engagement with groups who have not engaged in the past, e.g. school students will be encouraged. Some stakeholders will be challenging to engage with, e.g. town councils opposed to development, but it is important that they are given the opportunities to engage.

Finished product

- 4.7 The visions will review all existing relevant corporate publications, adopted planning policy and emerging planning policy. Drawing on responses received from consultation and engagement exercises, they will be concise and focussed documents that will:
 - Inform the proposed strategic site allocations, and
 - Provide the community with a tangible idea of what Newbury and Thatcham will look like in 30 years, which they feel they have contributed to.

4.8 Expert technical support at the Examination in Public into the Council's proposed LPR and throughout the LPR process to adoption (Post Local Plan Submission (autumn 2022) to adoption).

The successful bidder will be expected to provide this.

4.9 Meetings – the following will be required at a minimum

- Inception meeting – Week beginning 15 November
- Weekly update meeting
- Monthly progress report
- Public consultation exercise (Feb 2022)
- Presentation to West Berkshire committee (?) – 1 to 2 meetings
- Public consultation exhibitions (?)
- Expert witness support at Examinations in Public

4.10 Technical resources / expertise: Key skillsets required are:

- Stakeholder engagement, communications and public relations – demonstration of a track record of community and stakeholder engagement
- Landscape led masterplanning and urban design
- Place-making
- Delivering masterplans for new settlements and urban extensions
- Planning
- Environmental sustainability including net zero carbon
- Infrastructure investment and delivery programmes
- Expert witness advice / experience of active participation at Local Plan examinations

4.11 Timetable - an indicative timetable for work is set out below

- Appointment of consultant / inception meeting – week beginning 15 November
- Collation / assessment of evidence base – November 2021 to January 2022
- Stakeholder engagement / consultation – February 2022
- Generation of vision – March 2022.
- Refinement of vision and final report produced – April 2022
- Expert witness support at LPR EiP and throughout the process to adoption – Spring 2023 to adoption

West Berkshire 30 Year Vision

Initial contribution by Thatcham Town Council to IcenI Projects

Approved by Planning and Highways Committee on 26th April 2022

1 Introduction

Thatcham Town Council is grateful to IcenI Projects for the meeting with Thatcham Town Council on 14th April, at which it presented its preliminary thinking in the development of a 30 year Vision for West Berkshire.

This document represents an initial contribution by Thatcham Town Council to this Vision. In the absence of any specific requests for input to the Council, we have based this contribution on the questions in the online survey that is currently being conducted by Give My View on behalf of IcenI. However, it would not be appropriate for the Council to select a maximum of two options as important; we have therefore provided a narrative response to the options in the survey. We have focused our response on aspects that are most relevant to the scope of the Local Plan and the long timeframe of the Vision.

The compressed timetable described by IcenI for its work has left very little time for the Council to develop and approve this contribution (in practice, less than a week). The Council must therefore reserve the right to refine its thinking in the light of more detailed consideration or in response to specific questions by IcenI.

Thatcham Town Council is disappointed that the online survey conflates distinct issues into a single option for response – for example leisure, retail & culture or walking & cycling. In our view, this will significantly reduce the value of this survey in informing the development of strategic policies of the Local Plan, as is required by paragraph 22 of the National Planning Policy Framework (July 2021).

2 Key conclusions and priorities for Thatcham Town Council for 2050

- 1) To maintain the distinct identity of Thatcham, it is imperative that the ‘strategic gap’ between Thatcham and Newbury is protected, and that the town centre retains its character.
- 2) It is essential that the deficit in infrastructure in Thatcham is addressed before there is any further development.
- 3) The infrastructure that would be required by any new development in and around Thatcham must be provided in step with the progress of that development, and not all ‘lumped’ towards the end.
- 4) Any new development must adopt best practice in environmental performance, including insulation, alignment of roofs to maximise performance of solar panels, ground source heat pumps and community heating schemes.
- 5) Traffic congestion at the level crossing and on the A4 near the town centre need to be addressed, and the northern distributor road needs to be improved before any new development occurs.
- 6) In anticipation of universal electric vehicles and driverless cars, properties should have sufficient parking spaces for all vehicles, and there should be provision of space and capability for charging for future pools of driverless cars.
- 7) While active travel has an important place, it should not be used as an excuse to avoid proper provision for vehicular transport.

We believe that the Thatcham Vision¹, which was developed by the community of Thatcham between 2013 and 2015, still represents the best document describing the long-term vision of its residents. It should be one of the key inputs to the work of IcenI Projects.

¹

<http://decisionmaking.westberks.gov.uk/documents/s52673/Thatcham%20Vision%20Report%20Sept%202016%20for%20ID.pdf>

3 Important aspects of Thatcham, now and in 2050

There is a substantial overlap between the options for the questions ‘What are the favourite things about where you live or work?’ (FT) and ‘Looking to 2050, what would make West Berkshire a better place to live or work?’ (2050). Therefore, the options for these questions are addressed together.

3.1 The identity of Thatcham

The Town Council believes that Thatcham must maintain a distinct and separate identity from Newbury. This requires that the ‘strategic gap’ between Newbury and Thatcham² is maintained as open space in perpetuity, and is not developed for housing, industry, business or retail.

West Berkshire Council has recognised that Thatcham has a deficit of essential infrastructure, but the most recent Infrastructure Delivery Plan does not include any significant measures to address this. It is imperative that the current deficit of infrastructure is remedied before any future development commences, and that the infrastructure is further developed in step with that development. If this is not done, Thatcham will eventually become effectively a dormitory suburb of Newbury- which is diametrically opposed to the Vision of the Council.

3.2 Flood risk

Thatcham suffered substantial flooding in 2007, due to streams running off the hills to the north. The Town Council therefore places a high priority on flood prevention measures. A series of flood prevention schemes around and within Thatcham are nearing completion, which will protect the town from flooding from the surrounding area. The low-lying land adjacent to the river and the canal also flood occasionally due to continuous heavy rainfall raising the water table.

Any development will need to include sustainable drainage schemes (SuDS) to manage its own surface water. We understand that the current legislative framework makes it difficult for Local Authorities to require that they adopt them, and then to maintain them. As a result, they are often left in the hands of the management company for the development. The purpose of these SuDS is to prevent flooding downhill from the development, which is not its direct interest. As a result, they may fall into disrepair, and then fail to protect other parts of the town from flooding.

The Council therefore believes that the Vision must ensure the long-term maintenance of SuDS schemes. To deliver the certainty of this, the Local Plan for 2026 – 2037 must enable the Council to require, as a condition of planning approval, the maximum legal certainty for future maintenance of SuDS schemes, and preferably to adopt and maintain them itself.

3.3 Resilience to Climate Change (2050)

Thatcham Town Council has declared a climate emergency, as has West Berkshire Council. Both Councils have targets of reaching carbon neutrality by 2030. The Government has announced its intention to achieve ‘net zero’ by 2050, but the policies announced so far are not sufficient to achieve this. To achieve this overall objective, some sectors will need to reach this target earlier than 2050, and new housing is one of these.

We believe that, for West Berkshire to make its contribution to the Government target for 2050, it will be necessary for all new housing from the start of the new Local Plan period in 2026 to be carbon neutral –

² This comprises the triangle of land bounded by London Road, Turnpike Road and the hospital; the land north of Turnpike Road between Manor Park and Tull Way; and Hambridge Lake, east of Hambridge Road and south of London Road (a Planning Inspector has recently rejected an appeal against refusal of planning permission for this site).

indeed, we believe that there is a strong case for requiring this within the current Local Plan period. The policies that form part of the new Local Plan should therefore to deliver this, in particular by requiring:

- High performance insulation
- Use of materials with a low carbon footprint
- Layout of the development to maximise the proportion of houses with a south-facing roof (to maximise the performance of solar panels)
- Installation of pipes for ground source heat pumps under highways and public open spaces (ground source heat pumps are more efficient than air source, because the ground temperature varies less than the air)
- Consideration of community heating schemes, including heat storage.

3.4 Parks and Open Spaces (FT) / Better parks and open spaces (2050)

A park or open space can mean completely different things to different people – from a play area to Greenham Common or the North Wessex Downs AONB. It will therefore not be possible to meaningfully understand how respondents might interpret ‘better’.

Thatcham is currently quite well provided with play areas and open spaces within the town; most of these are owned and managed by the Town Council. We have a continuous programme of maintenance, and have a programme of upgrade and replacement. We would expect that any new development would have comparable provision of play areas and open spaces.

In one recent development (Sowerby Street), the open space and play area have not been adopted by a Council (either West Berkshire or Thatcham Town), but appear to be managed as part of the development. We are concerned that there is no long-term security in this management, and these open spaces and play areas might become worse over time. We therefore believe that parks and open spaces in new developments should be adopted by one of the Councils, with appropriate funding arrangements.

We have noted that the (so-called) “Thatcham Strategic Growth Study Stage 3 report” includes what is called a “strategic country park”, which also appears to be intended to meet the biodiversity requirement for the development. However, there is no description of what it would comprise, and the Council therefore cannot accept that this would provide a genuine benefit to the town and its residents.

3.5 The Town Centre (FT) / retail & nightlife (2050)

The town centre is the focus in Thatcham for retail and nightlife, apart from some local community shopping areas. The two supermarkets in Thatcham are both in the town centre, and there are a wide variety of restaurants and pubs providing ‘nightlife’.

West Berkshire Council intends to develop a masterplan for the centre of Thatcham. It is unfortunate that this will not be completed in time to inform its proposed Local Plan.

The town centre is crucial in providing a sense of community to Thatcham, and it is essential that the retail and restaurant spaces are preserved (and not, for example, converted into offices or flats). Unfortunately, there is little opportunity for expansion. The only opportunity close to the Town Centre for space for future development is the recently-closed Walnut Close care home, which was run by West Berkshire Council. It is therefore essential that the future use of this site is considered as part of the masterplan. Otherwise, there may not be another opportunity before 2050.

3.6 Ease of Getting around (FT) / Connectivity to other areas (FT) / Less congested with vehicles (2050)

There are three main impediments to getting around Thatcham, and connectivity to other areas:

- The level crossing by Thatcham Station, which can result in delays of 20 minutes or more

- The A4 through the centre of Thatcham - especially at Chapel Street, where the houses on both sides are directly adjacent to the footway.
- The incomplete nature of the distributor road to the north of Thatcham.

The current delays at the level crossing are unacceptable, and the expected growth in both rail passenger and freight traffic in the period up to 2050³ will only make matters worse. It seems that the only solution to this is a bridge, but there are challenges in constructing one at the location of the level crossing because of the proximity here of the railway line, the River Kennet and the Kennet and Avon Canal. It is possible that the introduction by Network Rail and the rail operators of ETCS 3 (the European electronic train control system, phase 3) sometime before 2050 might reduce level crossing closure periods, but this would require further study (especially given the proximity of the station to the level crossing).

The A4 in the centre of Thatcham is one of two Air Quality Management Areas in West Berkshire. Obviously, the increased prevalence of electric vehicles will reduce this specific problem, but it is indicative of the current level of congestion. At this location, the properties face straight on to the street, so there is no prospect of traffic improvements – even in the 2050 timeframe.

Our vision is to reduce this congestion. The evidence of Government analysis is that this will not be achieved through a reduction in vehicle use (even with a static population for Thatcham, let alone with an increase). It may therefore be necessary to impose a maximum weight limit on the A4 through Thatcham, so that heavy goods vehicles originating from Colthrop and Theale will need to reach the A34 and A339 via the M4, rather than using the A4 through Thatcham.

The distributor road around the north of Thatcham is incomplete, with some new parts (Floral Way and Tull Way) and some using pre-existing roads (Heath Lane and Bowling Green Road). The West Berkshire Infrastructure Delivery Plan update of 2016⁴ states that “Completion of Thatcham NDR” (northern distributor road) is “necessary” “to enable development [in] north Thatcham”. The development that is now proposed as site allocation THA20 is far larger than was being considered in 2016. We believe that this statement still holds, especially given the Government’s Road Traffic Forecasts to 2050, published in 2018 (see section 4.1 below).

Improvements to the distributor road will tend to encourage people heading towards the M4 and A34 to use it and then the A4 and A339, rather than travelling on minor roads through the villages of Cold Ash and Curridge.

3.7 Better housing choices (2050)

The best way to maximise housing choice is to have multiple smaller developments in a range of locations, with different developers who are likely to have different concepts for housing and different standard designs. Relying on a small number of housing developments with a small number of developers to deliver the number of new houses that are needed is risky, as West Berkshire Council has found to its cost in the current plan period with Sandleford. A small number of developers (or consortia of developers) can lead to monopolistic behaviour, with houses being built that are most profitable, at a rate that maximises that profit.

There is currently a critical shortage in West Berkshire of social housing for rent. We are very doubtful that this shortfall will be addressed by allocations in developments of social housing “affordable housing” (which in West Berkshire is not affordable to most people). We therefore believe that the West Berkshire Vision for

³ See ‘The Williams-Shapps Plan for Rail’, May 2021:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/994603/gbr-williams-shapps-plan-for-rail.pdf

The completion of the Elizabeth Line will make commuting from Thatcham to the City of London easier.

⁴ <https://info.westberks.gov.uk/CHttpHandler.ashx?id=41472&p=0>

2050 must include a commitment to completely remove this shortfall and measures to achieve this – such as the Council building social housing itself.

3.8 Leisure (FT) / Better Leisure (2050)

The main public leisure facilities in Thatcham are the Kennet Leisure Centre and Henwick Worthy sports field. The Thatcham Football and Cricket Clubs also have their own grounds, and there are numerous smaller private sports and exercise facilities. The Nature Discovery Centre is managed for West Berkshire Council by the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust.

The Henwick Worthy field is fully utilised, with no space for an increase in playing pitches. If there is development in or around Thatcham, then extra playing pitches will be needed, and they will need to be located somewhere else. There is a need for more artificial grass pitches⁵, and these would be best located at Henwick Worthy where they would be supervised. The additional pitches should be in a single location (rather than dotted around the town in individual developments), as this allows for more flexible use and efficient upkeep.

The Kennet Leisure Centre shares a site with Kennet School, with little possibility for expansion. Our vision for 2050 is a new sports centre, which is proportionate in size to the Northcroft Centre in Newbury, in terms of the relative populations of the towns.

3.9 Good schools and colleges (FT) / Better access to education (2050)

The vision of the Council is that all pupils living in Thatcham should be able to attend an excellent school within easy walking distance of their homes (in all weathers), and preferably within Thatcham; at present, nearly a third of secondary pupils must travel into the north of Newbury.

The Francis Baily Primary School and Kennet Secondary School are already close to full capacity and share a constrained site close to the centre of Thatcham. Their buildings are showing their age, and will need substantial refurbishment or replacement before 2050. This could be challenging within their existing sites.

We understand that Iceni Projects intends to meet with Directors and Executive Head of Kennet Schools Academy Trust. If they feel that relocation of one or both schools as part of a development would be beneficial, we would support that position (provided that the site is suitable from a wider perspective).

If there is significant housing development around Thatcham, there will need to be additional secondary school provision, especially as Kennet school already has 1,890 pupils on its register. If a new school is required, it will need to have a minimum size, in order to support a full curriculum and range of educational needs (we understand that the Department for Education criteria is for a minimum of 1,200 pupils). Given the capacity constraints at Kennet School, any new school would need to be built and ready for occupation in the early phases of any substantial new housing development.

3.10 Job Opportunities (FT) / New employment opportunities (2050)

The industrial estates to the east of Thatcham include a wide range of companies, including the high-tech companies Xtrac and Thatcham Research. However, it is disappointing that more recent developments have been predominantly warehousing, which create a relatively small number of jobs. This could continue with the current planning application for a new development in Midgham, immediately adjacent to Thatcham parish. They also contribute to traffic congestion on the A4 through Thatcham.

⁵ See the West Berkshire Playing Pitch Strategy, section 3.4:
<https://info.westberks.gov.uk/CHttpHandler.ashx?id=49936&p=0>

Our vision would see the industrial areas attracting more high-tech business offering local residents high skilled, high paid jobs - including smaller units suitable for SMEs. This would also reduce the use of the area for warehouses helping to reduce the volume of heavy goods vehicle movements through the town.

4 Modes of travel in 2050

4.1 Forecasts of road traffic

The Government has published Road Traffic Forecasts 2018 (RTF18)⁶, which presents forecasts for traffic demand, congestion and emissions in England and Wales up to the year 2050. It has been suggested that these forecasts are no longer applicable, because of societal changes due to the Covid epidemic. However, it is too early to tell how substantial or permanent these changes will be⁷ - and anyway these forecasts assume even greater societal and technology changes in the 30+ year period of the forecast.

A key conclusion of these forecasts is:

“Traffic in England and Wales is forecast to increase across all scenarios, but the size of that growth depends on the assumptions made about the key drivers of future road demand. From 2015 traffic is forecast to grow by between 17% and 51% by 2050. The growth in traffic levels is predominately driven by the projected growth in population levels (and thus the number of trips) and changes to vehicle running costs.” *(our emphasis)*

These forecasts must be the basis for the travel aspects of the 30 year Vision for West Berkshire, unless they are updated by Government or a clear evidential justification is given that they are no longer applicable.

4.2 Zero emission private vehicle

It is unclear why ‘Zero emission private vehicle’⁸ was an option in the survey, given that the Government has announced its intention to end the sale of petrol and diesel cars by 2030.

It is essential that the Local Plan makes provision for charging of private vehicles, when all cars are electric. The supply of renewable electricity varies substantially, depending on the wind and time of day/night, and therefore, so does the cost of electricity. Large industrial users already have dynamic pricing of electricity, and this is likely to spread to consumers in the coming years. It is therefore important for residents to have enough off-road parking space so that all of their vehicles can be permanently ‘plugged in’ when at home, so that they can take advantage of the periods of lower prices.

The move to completely renewable energy will require substantial capacity for storage of electricity for night time and periods of light wind. This can be provided by dedicated batteries, but these are expensive. The option of using the batteries in private vehicles to contribute to this storage capacity (for payment) is being actively studied. However, this is only feasible while the vehicle is plugged in.

It is clear from the amount of on-street parking in estates around Thatcham that the quotas for parking spaces in the current local plan are insufficient for current vehicle ownership. It is therefore essential that the allocations are increased in the new Local Plan, to make proper provision for electric vehicles.

⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/873929/road-traffic-forecasts-2018-document.pdf (paragraphs 13-14 quoted)

⁷ See, for example: <https://www.bbc.co.uk/news/uk-politics-61145692>

⁸ We assume that this is intended to mean vehicles for which the total supply chain for the source of power is carbon-neutral; a vehicle powered by hydrogen would emit water and, if the hydrogen is ‘green’ (i.e. produced through electrolysis of water rather than from hydrocarbons), it would be carbon-neutral. However, the most likely power source for most private vehicles is electricity.

4.3 Driverless vehicles / Sustainable public transport / Sustainable private taxis

By 2050, it is likely that driverless vehicles will be widespread, and perhaps almost universal in urban areas. This will result in substantial changes in modes of travel, including convergence between privately owned cars, car pools, public transport and taxis. However, the Vision also needs to address the period up to 2050; for the early, part all vehicles will have drivers, followed by a mix of driven and driverless vehicles.

The driver forms a substantial part of the current cost of both taxis and public transport. If vehicles become driverless, then many new opportunities emerge:

- The distinction between a car pool and a taxi service disappears, because anybody can 'call' a driverless car, which can then take them to their destination – regardless of age or infirmity.
- The ready availability of hired or pool vehicles that arrive at your door when needed will reduce the need for people to own their own vehicles, and may also reduce their desire to do so.
- People can therefore select the appropriate vehicle for the journey that they are about to make, from a single seat vehicle (possibly similar to current e-cargo bikes) for a visit to shops, to a people carrier for a family holiday.
- Public transport vehicles can become smaller, and services more frequent. It is possible that public transport as currently understood might become redundant, replaced completely by 'on-call' driverless vehicles.

'Pool' driverless vehicles will need places to 'park' when they are not in use. These will probably not be supervised by a person, so they could not be recharged by a plug-in cable. Technologies are already being trialled for the robotic replacement of an empty battery by a fully charged one, and for wireless charging. Both of these will need to take place off the street. The layout of future developments must therefore reserve space for off-road parking and charging bays for 'pool' driverless vehicles, when they become feasible.

A major challenge or the feasibility of driverless vehicles is how they respond safely to unexpected situations. A common cause of unexpected situations is on-street parking, and especially children and pets that emerge suddenly from behind a parked vehicle. This is another reason why it is essential that all houses have enough parking space for all of the residents' vehicles.

4.4 Sustainable public transport prior to driverless vehicles

While driverless vehicles are likely to be widespread by 2050, this is not certain, and they will not be common within the period of the next Local Plan up to 2037. Therefore, the masterplan for any development must still make provision for a good public transport service.

4.5 Electric bikes/scooters

Electric bikes encompass a far wider range of modes of transport than just bicycles with a motor in their hub. We have already seen e-cargo bikes in use for parcel delivery around Thatcham⁹. This type of vehicle could form part of the wider range of modes of transport discussed in section 4.3 above.

e-Scooters are a very recent innovation, and cannot lawfully be used for travel anywhere in Thatcham (or, to our knowledge, anywhere in West Berkshire). They are often ridden on footways, so a key issue is the safety of pedestrians. The scooters for hire in some cities rely for their safety on location sensing, which limits their speed in spaces shared with pedestrians.

If some regulatory means can be found for ensuring that all privately owned (or leased) e-scooters also have such safety features, then they may play a role in the travel arrangements for residents of urban areas. For

⁹ <https://ebiketips.road.cc/content/news/dpd-take-delivery-of-ten-eav-e-cargo-bikes-with-five-already-on-uk-roads-2187>

people who can afford an alternative, we suspect that they will be a ‘fair-weather’ option, but they may be valuable for young people.

It would be wholly inappropriate to rely on e-scooters as part of the Vision while their use is unlawful in the environment of West Berkshire and the Government has not announced any intention to change this.

4.6 Active travel i.e. walk/cycle

Over the last two years, West Berkshire Council has implemented active travel schemes along the A4 through Thatcham, which have been supported by Thatcham Town Council. However, the route is incomplete, and much of it has no physical separation from vehicles – which include a large number of heavy goods vehicles. It is therefore unsuitable for less confident cyclists. It will be difficult to solve this – even by 2050 – because the constraints include buildings that are immediately beside the road.

Active travel is seasonal – only the most dedicated cyclists and walkers use these modes of travel when it is icy, raining or very hot. It therefore has limited potential to overcome traffic congestion. The increase in the average number of motor vehicles per household that is predicted in Road Traffic Forecasts 2018, and the greater variety of vehicle types (including some that do not require a driving licence), may reduce the propensity of residents for active travel.

The West Berkshire Local Cycling and Walking Infrastructure Plan (LCWIP)¹⁰ assumes that walking has the potential to replace trips made by other modes of up to 2km in length (this is still quite a long distance, because it corresponds to a walk of half an hour or more). Some of the potential sites in the Local Plan may be more than 2km from key destinations, but still within cycling distance. It is therefore unfortunate that the survey treats walking and cycling as a single option, because this provides little insight on the propensity of residents for active travel by cycling from developments that are beyond a convenient distance for walking.

¹⁰ <https://www.westberks.gov.uk/article/38253/West-Berkshire-Council-approves-long-term-Local-Cycling-and-Walking-Infrastructure-Plan>

**Comments by Thatcham Town Council on:
'Baseline Report' and 'Socio-economic baseline & property market assessment'
(Reports by Icen Projects Ltd on behalf of West Berkshire Council)**

Approved by Planning and Highways Committee on 17th May 2022

Introduction

These comments should be read together with the Initial Contribution by Thatcham Town Council to Icen Projects on the West Berkshire 30 Year Vision. The Initial Contribution responded to the online survey, while this document comments on the current content of the two draft Baseline Reports. Section 2 of the initial response highlights some issues that are important to the Town Council, which we believe should be addressed in the Baseline Report.

We are very disappointed at the lack of substance in both of the baseline documents. In their current state, they appear to be more a compilation from the learning exercise for the Icen team than an evidence base for the development of a thirty year vision.

Paragraph 1 of the Baseline Report states: "The findings of the baseline report will be used to inform the creation of strategic visions and will support relevant policies contained in the LPR." We therefore understand that the Baseline Report' and 'Socio-economic baseline & property market assessment' are intended to document the current situation, with later stages of the work addressing the future vision. However, these documents include views about the future. As much of these documents have been copied from other sources, it is not always clear whether these views are also copied from these sources, or are views of ICENI.

We recommend that the Baseline Reports are limited to recording 'baseline' information and data, and the forward-looking comments are addressed later phases of the project. It would be helpful if all information sources could be referenced in a consistent way with full titles, and preferably links to the online source.

We are also concerned that Icen are consulting on two variations of the same document.

We also believe the document is not clear whether sections of the document are referring to the parish of Newbury or the conurbation and where appropriate this needs to be distinguished.

There are also inconsistencies throughout the document where Newbury is compared with Thatcham, we believe the comparison should be Newbury and Thatcham with West Berkshire or South East of England.

General Comments on the Baseline Report

This report describes itself as:

"The report summarises the outcome of a comprehensive review of desktop material, site visits, an initial client discussion, along with qualitative and quantitative data analysis. As a result of the baseline review, the report formulates a thorough understanding of West Berkshire, corporate aims and objectives informed by those who live and work in the area, and an overview of the policy position for the future of Newbury and Thatcham towns."

However, the majority of the content of the current version is copied from West Berkshire Council policies and documents. It does not contain any quantitative data analysis and there is only one mention of a site visit. There is no evidence of any input from "those who live and work in the area". A clear example of this is the lack of any mention of the Thatcham Vision, which the Council believes is the best source of information about the town.

The document has a 'draft' watermark, and we therefore assume that a revision of the document will be prepared, which includes the input from "those who live and work in the area" including Thatcham Town Council, as well as the results of the data analysis and site visits.

We note that a significant part of the online survey addressed different modes of transport in 2050, including driverless cars. We would therefore expect that a section on the expected development of driverless cars (or to use the industry term, connected and autonomous vehicles) will be added to the Baseline Document, in order to provide context to the responses to the survey.

Detailed Comments on the Baseline Report

para	Comment
3.8	We note that the Sandlesford Park appeal has now been determined by the Secretary of State.
3.9	Thatcham is east of Newbury, not west
3.11	<p><i>"... the LPR seeks to focus strategic growth on Thatcham with the delivery of a circa 2,500 home urban extension to the north east of the town along with associated infrastructure. This presents an opportunity for increased investment in the town as a whole."</i></p> <p>We expect the 30-year vision to make concrete proposals for this increased investment.</p>
4.10	<p>We assume that 'West Berkshire Vision 2036' is the document developed in 2018 by the West Berkshire Health and Wellbeing Board. Health and Wellbeing Boards are established by Local Councils under the Health and Social Care Act 2012 as a forum where key leaders from the health and care system work together to improve the health and wellbeing of their local population and reduce health inequalities.</p> <p>However, they are separate bodies to the Council, and it is therefore clearly incorrect to state that this document is "a corporate strategy for the council area". Indeed, it is unclear that such a wide-ranging document falls within the statutory functions of a Health and Wellbeing Board.</p> <p>It is therefore also incorrect to state that any corporate strategies, plans and policies of the Council must align with and seek to deliver upon its five vision statements. However, these vision statements are so anodyne that it is impossible to disagree with them – but also difficult to inform a meaningful vision.</p>
4.11 4.12	As explained above, the 'West Berkshire Vision 2036' is not a Council document. The Council Strategy 2019-2023 makes clear that the Councils vision for 2036 is distinct from the vision of the Health and Wellbeing Board (diagram on P8).
4.16	The Thatcham Town Centre Design Appraisal ('Turley Report') was updated in 2014. This update should be taken into account by Icen.
5.4	The reason for the higher population growth for Newbury since 2011 is that most of the new housing development in West Berkshire in the last decade has been in Newbury.
5.6	This statement is meaningless without consideration of trends in retirement age.
6.9	The requirement for more houses for people over 65 and the "need for around 500 wheelchair user homes in West Berkshire is identified in the period to 2036 – equating to about 5% total housing need" is a very important factor. This needs to be highlighted in the 30 year vision, so that it can be addressed in the Local Plan.
6.13	<p>The 3% difference in house prices between Newbury and Thatcham is totally insignificant. The previous paragraph states that house prices rose by 40% in seven years, or around 5% per year. The 3% difference therefore equates to difference in the date of most recent sale of around seven months. As most new houses in the last decade have been built in Newbury, it follows that the average date of most recent sales will be later.</p> <p>Therefore, this difference in house prices is unlikely to represent any significant difference in the types of housing stock or like-for-like valuation.</p>
6.15	<p>It is disappointing that social rented housing is only mentioned in part of one paragraph. This sector of housing requires the greatest input by the Council (in partnership with housing associations), and therefore needs particular attention in the local plan and 30 year vision.</p> <p>The West Berkshire Updated Housing Needs Evidence Report (2020) includes valuable data on the predicted need for social housing, which should be included in the Vision.</p>

	In our initial contribution to Icen on the Vision 2050, we stated “We therefore believe that the West Berkshire Vision for 2050 must include a commitment to completely remove this shortfall and measures to achieve this ...”
6.18	The correct title should be used: “Local Plan Review 2020 -2037: Emerging Draft”.
7.7	The first bullet on population growth contradicts paragraph 5.5, which says that the population is expected to reduce.
7.7	Availability of affordable housing – this is a critical issue for future growth in West Berkshire. This merits specific quantitative analysis – taking into account that the usual definition of ‘affordable’ does not mean that a property is affordable to purchase by a large proportion of the working population.
7.11	The metric of properties let on the open market is not a meaningful measure for the total amount of property available. See the comment on paragraph 2.24 of the Socio Economic baseline Report for the explanation.
7.19 7.20	These paragraphs appear to be missing the introductory text to the bullets.
7.21	<p>In the absence of any masterplanning exercise to date by West Berkshire Council, this paragraph should include a reference to the Thatcham Vision, a community-led project that was completed in 2016.</p> <p>The Thatcham Town Council response to Regulation 18 contains a summary of resident engagement [p46/57] which is the most recent resident engagement and should be included as baseline.</p> <p>For information the response can be found at:</p> <p>https://www.thatchamtowncouncil.gov.uk/wp-content/uploads/2021/02/1-Local-Plan-Response.pdf</p> <p>and the relevant section begins:</p> <p>“At the time of writing (01/02/2021) this petition had accumulated over 2,348 signatures in the relatively short period of about 3 weeks. This represents a significant proportion of the approximately 10,000 homes of Thatcham. Councillor led outreach This Councillor led survey received 477 responses over a 3-week period. Questions on a range of issues related to services and infrastructure were asked, and the respondents were invited to rate on a scale of 1-5 the relative importance. In addition, a free-text field was available to respondents to optionally include additional views. At the time of writing (26/1/2021) there were 191 'additional views' of which a subset is included below.”</p>
8.1	A reduction of 4.5% is hardly a “collapse”. This could be an adjustment to excessive rent rises in previous years, or to the impact of Covid.
8.2	<p>A document from 2009 is not a sound basis for consideration of the current types of retail in Thatcham Town Centre. If more recent information is not available, Icen should commission an assessment (it would not take long to walk around Thatcham Town centre with a clipboard).</p> <p>The fact that the main supermarkets in Thatcham are in the town centre, whereas the ones in Newbury are not, is an important factor that should be highlighted.</p>
9	This section should mention the level crossing by Thatcham Station as a major impediment to travel in and to/from Thatcham. The lack of a bridge over the railway line can cause delays of up to half an hour.

9.5	West Berkshire Council recognises that there is already a deficit of infrastructure and facilities in Thatcham, which needs to be addressed before there is any further growth, these should be mentioned and itemised in the baseline report. This is a critical issue, which must be addressed in the 30 year vision – and should therefore be mentioned in the Baseline Report.
10.3	This paragraph is incomplete: the infrastructure delivery plan does not address the development in North east Thatcham. The ‘Local Plan Review 2020 -2037: Emerging Draft’ identifies the need for new school provision if this development goes ahead.
12.4 12.9	West Berkshire is a ‘District’, not a ‘Borough’.
12.8	It is the River Kennet that forms the valley floor, not the canal.
12.9	The correct term is nuclear Detailed Emergency Planning Zone (DEPZ).
12.12	This paragraph appears to have been copied from local history documentation, and uses the historic names for the roads. The correct current names are: “Thatcham the smaller market town is built solely on what was the Great West Road (now the A4) the east west highway, Cheap <u>The High Street</u> and Chapel Street, with The Broadway Broad Street branching off to the south.”
12.14	We do not know the origin of this paragraph. The area separating Thatcham from Newbury is known as the ‘Strategic Gap”. Includes the wooded area of Hambridge Lake, as well as the open space.
12.20	This paragraph should mention the West Berkshire Local Cycling and Walking Infrastructure Plan (LCWIP). The complex nature of the routes contained in this document illustrate the challenges of catering for pedestrians and cyclists – in particular the discontinuous nature of the cycle route along the A4 from Newbury to the east of Thatcham.
12.24	We do not understand this paragraph.
12.28	This section should also mention the Thatcham Vision.
13.3	The proposal for 2500 houses to the north east of Thatcham is not based on any analysis of the constraints of exiting infrastructure or plans to enhance them. Other sites for housing around Thatcham are still being promoted for the new Local Plan.
13.4	Paragraph 22 of the NPPF does not include “a requirement to produce a vision for strategic sites via paragraph 22”, as stated in this paragraph. The NPPF says “policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery”. In other words the policies must follow from the Vision, not the Vision follow from the policies.
13.6	“Within Thatcham, the housing baseline position is proposed to be improved via new housing, improved services, facilities and green infrastructure, particularly to the north east of the town.” It is unclear what is meant by a “housing baseline position”. Whether this is an ‘improvement’ is a subjective judgement, which is out of the scope of this document.
13.8	We assume that the first sentence is referring to the town centre of Thatcham
13.8	It is not appropriate to say that Newbury “competes” with Thatcham – certainly, in employment, they complement each other.
13.9	As noted under Section 9, the level crossing at Thatcham Station is a major contributor to congestion in the town, which should be mentioned in the Baseline.

13.9	In order to address congestion through sustainable travel options, data is needed on the origin and destination of journeys (and therefore, also their length) – in order to identify the appropriate sustainable option (e.g. walking, cycling or public transport)
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General Comments on the Socio-economic baseline & property market assessment

This report is a compilation of data from readily-accessible sources., and it is unclear how much of it will be relevant or useful to inform a thirty-year vision.

We identify three reports on property that specifically address West Berkshire (one written by Icen Projects), which provide more detail and insight than the nation-wide sources currently included in the report. The Employment Land Review contains specific information that contradicts the tables in the report on office and industrial property market deals; we recommend that this information has been correctly extracted from the database.

Detailed Comments on the Socio-economic baseline & property market assessment	
para	Comment
1.4	Table 1.3 cannot be interpreted. The bars have six colours (three green, two yellow and one blue), but there are keys for only four of them. We assume that this relates in some way to whether the data point for Newbury or Thatcham is above or below the national average, but this is not explained. Conclusions drawn do not appear to be consistent with the diagram.
1.6	The use of “employment age” appears to be incorrect, because being economically active is only partly related to age.
1.6	It is important to indicate to what extent the higher population of older people is due to a higher life expectancy or moving to the area as they get older.
1.11 1.12	These paragraphs describe differences, not discrepancies or disparities (they are neither unexpected nor unfairly unequal)
1.14	It is unclear what is described as “even higher”.
1.15 1.16	These two paragraphs appear to be describing the same data in Table 1.9, which we assume from the names are MSOAs. It is therefore incorrect and very confusing to describe them in paragraph 1.15 as wards, because some of the MSOAs have the same or very similar names as wards in Thatcham, but very different boundaries.
1.16	It is incorrect to include the ‘Thatcham South East and Bradfield’ MSOA as being a Thatcham MSOA (bar coloured green). While this MSOA includes around 1100 houses in the southeast of Thatcham, it also includes the villages of Crookham, Brimpton, Aldermaston, Woolhampton, Upper Bucklebury, Bucklebury, Stanford Dingley and Bradfield – and the surrounding countryside. The relatively high household annual income for this MSOA is almost certainly due to these villages and not the Thatcham part.
1.19	It is unclear what are the areas shown on the maps in Tables 1.11 and 1.12. They are certainly not “wards”, as stated in the text. If these maps show data at LSOA level, then the ward in Thatcham has the name ‘Thatcham North East’.
1.28	This paragraph illustrates the imbalance in the priorities of West Berkshire Council: ‘We will press ahead with projects for Newbury, but we might think about doing something for Thatcham – provided that someone else pays’.
1.32	A key message from this chart is that the GVA for transportation and storage is comparatively low and actually reduced over the decade, despite the substantial development of new warehouse facilities at Thatcham and Theale over that period. Manufacturing produces a far higher GVA, and should therefore be the focus for economic development. Footnote 8 does not

	appear to correlate with the tables it mentions. We believe information on agriculture, forestry & fishing and mining & quarrying should be included in the report.
2.1 – 2.8	We are surprised that the section on housing does not reference or include data from the Updated Housing Needs Evidence Final Report, produced for West Berkshire Council by Icen Projects in May 2020. This contains considerably more detail, and is more recent than the 2011 census.
2.3	As is apparent from the graph, the ratio of prices between West Berkshire and the South East was also inverted in 2014. Therefore, the statement “Prices have always been higher than the South East and UK averages...” is incorrect; this sentence is very difficult to read.
2.4	Whether the difference in house prices between Newbury and Thatcham represents a “significant margin” depends on the boundaries of the areas used for comparison – it might be an artifact of the different nature of the areas. The link given in the document to the Land registry website does not appear to provide data at greater granularity than Local Authority level, so the source of this comparison is unclear. For this data to be meaningful for the vision, it will be important to understand whether the difference is the result of a difference in like-for-like valuation or a different distribution of house types coming to market.
2.7	The comparison between Newbury and Thatcham is only meaningful if data is also provided for West Berkshire and South East England.
2.9 – 2.24	We are surprised that the section on housing does not reference or include data from: <ul style="list-style-type: none"> - The Western Berkshire FEMA Economic Development Needs Assessment, produced for the Thames Valley Berkshire Local Enterprise Partnership by Nathaniel Lichfield & Partners in October 2016. - The West Berkshire District Council Employment Land Review, produced by Stantec with Aspinall Verdi in August 2020 These contain considerably more relevant information and more detail, than the data in this section of the report.
2.12	You should note that Vodafone intends to vacate three of the buildings on its campus. See: https://www.newburytoday.co.uk/news/vodafone-leaseback-plans-unveiled-9245130/
2.15	Could you indicate what office premises correspond to the floor space of 304,040 sq ft in 2016 and 216,881 sq ft in 2018 in this table. The West Berkshire District Council Employment Land Review states that “In 2016 the two largest deals were for Hitachi and NCS each taking approximately 20,000 sq ft” and in 2018 the total take-up of office space was 213,967 sq ft. The diagrams give the source of the data as ONS, but we suspect that it was actually CoStar.
2.24	These figures may be correct for premises let on the open market, but they are misleading. The four largest commercial premises on the Colthrop estate at Thatcham (Harrods, Kuehne & Nagel, SSE and GIST) alone total nearly one million square feet ¹ . However, such large logistics facilities are probably constructed to the specification of the intended occupant, and therefore not let on the open market.

¹ Measured from satellite photos using the West Berkshire Council online map. This might include some canopies, but will exclude any mezzanines or multi-floor office space.