Local Plan Regulation 19 covering letter to Inspector (copy to Chief Exec, Director Place (incoming) and Head of Planning (not to Tory portfolio holder)

To whom it may concern:

West Berkshire District Local Plan Regulation 19 Submission Draft

As Leader of the main Opposition Group on West Berkshire Council and with the support of my entire Group, I am writing to point out the unusual situation in this Council, and as such the Local Planning Authority in whose name you are being sent our draft Local Plan for Examination in Public.

The Council is due to hold all-out elections on 4th May and therefore enters the statutory "Pre-Election Period" during which - from the formal Calling Notice on Friday 24th March until the first meeting of the Full Council after the election currently scheduled for Friday 25th May – no political decision can be made.

In the outgoing Council at this time, there are 24 Conservatives, 16 Liberal Democrats and 3 Green Party Members. It is widely expected that there will be a change in administration.

We would respectfully ask that you consider our response to the Regulation 19 submission draft new Local Plan for 2026-39 in the light of this situation.

We have had to submit our responses to Regulation 19 by 3rd March. We had called on 2nd February for an Extraordinary Meeting of Council, which the Chairman arranged to be held following the Budget Meeting on Thursday 2nd March.

In that Meeting we had hoped to persuade Members across all parties to pause the Plan making process until we knew what the outcome of the Government's consultation on an update to the NPPF would be, as several other LPAs have done, including the Secretary of State's own LPA (Surrey Heath DC) which is in exactly the same stage as ours and also has a very similar political composition as ours. It too is facing all-out elections in May.

We have therefore had only one day to finalise our response, which is enclosed. However, we had assumed that our Motion to Full Council last night would not find support, hence this letter.

We also have concerns about the soundness of the evidence that has led to the choice of the one new strategic housing site in the District, following the need that arose in 2020 to abandon the previous preferred strategic site on the West Berkshire / Wokingham Borough border. Grazeley was withdrawn owing to changes in the Atomic Weapons Establishment's policies on its development safety zones preventing new development in them.

The decision to delegate to our officers the signing off of the Submission of the Plan to PINS was made on 1st December. That was before it was known that there was about to be an NPPF consultation running in parallel to our Reg. 19 consultation. It was also before the 6th December Ministerial Letter and the January Chief Planner's Newsletter in which it said there will be a further major update to NPPF later in 2023.

Only if our officers deemed there to be non-editorial changes made between that date and the date of submission were they to refer the Plan back to Full Council. The fact that you are now reading this letter means that officers did not refer the Reg. 19 draft Plan back to Full Council at its additional and final pre-election meeting set for 16th March. However we believed it would be extremely challenging for our officers to collate and summarise all responses made to the Regulation 19 draft before the Pre-Election Period. If they did find it necessary to refer the Plan back to Full Council it must nevertheless have been decided by Council to submit.

You may now find upon contacting this Council that the political leadership has changed and that Liberal Democrats have now formed the Administration. If that is the case, we would like to advise you that it is our clear and publicly known intention to ask the newly elected Council to pause the process for a few months while we review the Plan that was submitted.

We would respectfully ask you to consider our submitted comments as those of the new Council, which may not necessarily find agreement across the Chamber. We will have asked Council to do so, so that our officers will, as from after the first meeting of the new Council, be expected to work to our policy direction during any future Examination of the Plan. Note that hitherto and in this response we have not had the benefit of professional officer support.

However, please note that during the passage of the draft emerging Plan through this Council's internal processes, there have been few disagreements on major strategic policies. We do not wish the Plan to be found unsound, but we sincerely hope that you will find it possible to favourably consider our responses, to the few policies where we have concerns, as the basis of Modifications that you will ask us to make in order that we can adopt a new Plan in a timely fashion. Our priority is to help our District better tackle climate change, through having a robust new Local Development Plan to take us through to 2039.

Your Sincerely

Cllr Lee Dillon

Leader of the Opposition

West Berkshire Council

per	**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**

This form has two parts:

- Part A - Your details: need only be completed once
- Part B - Your representation(s): please fill in a separate sheet for each representation you wish to make

PART A: Your Details

Please note the following:

- *We cannot register your representation without your details.*
- *Representations cannot be kept confidential and will be available for public scrutiny, however, your contact details will not be published.*
- *All information will be sent for examination by an independent inspector*
- *All personal data will be handled in line with the Council's Privacy Policy on the Development Plan. You can view the Council's privacy notices at http://info.westberks.gov.uk/privacynotices*

	Your details	Agent's details (if applicable)
Title:	Councillor Dr	
First Name:*	Tony	
Last Name:*	Vickers	N/A – we have not taken professional advice
Job title *(where relevant):*	Liberal Democrat Group Planning Spokesperson	Note: please use both my Councillor email contact and my personal one, as below. If I am not re-elected, my Group will receive any correspondence via me. There will be another Spokesperson appointed.
Organisation *(where relevant):*	West Berkshire Council	
Address* *Please include postcode:*	[redacted]	

Email address:*	[redacted]	
Telephone number:	[redacted]	

Part B – Your Representation

Please use a separate sheet for each representation

The accompanying guidance note available at: https://www.westberks.gov.uk/lpr-proposed-submission-consultation will assist you in making representations.

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will ***not normally*** *be a subsequent opportunity to make further representations,* ***further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation *(and client if you are an agent):*	Cllr Dr Tony Vickers On behalf of the **Liberal Democrat Group, West Berkshire Council**. *Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.*

Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	2.1, 4.6, 4.19-4.20
Policy:	SP1 – Spatial Strategy
Appendix:	
Policies Map:	Figure 1 showing all constraints
Other:	SP17; IDP

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Local Plan Review is legally compliant?

Yes ✓

Please give reasons for your answer:

N/A

2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
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 sections on "Context" (2.1) and the "Development Strategy: Overview" (4.6) need to make more of the very large constraints on all spatial development in West Berkshire. These are listed in 4.6 but nowhere in these sections does the natural conclusion appear: that there is a severe shortage of available land; I have seen a figure of 11% cited in other policy documents approved by Council. With the recent statement by DLUHC that this could be taken into account when deciding the number of new homes to provide, it should be explicitly stated whether or not the Council wishes to use this to argue for a lower number.

This will be used in support of some of our other responses to policy in the draft Plan, which tend to call for a more flexible approach to well evidenced applications for development in the countryside – even in the AONB – and in flood zones.

The policy doesn't take sufficient advantage of broadband reducing the need to travel. This doesn't just enable reduction of out-commuting from the District as a whole, but can also help sustain viable rural communities through improved access to services via remote means: from online shopping to primary healthcare online consulting and online education.

The current pattern of middle income white collar workers and executives working from home in rural communities, while low income rural workers out-commute from social housing in urban areas doesn't help maintain rural shops and schools. We believe the rural areas and AONB could sustainably accommodate significantly more new homes to meet the needs of rural businesses and communities.

This will also be reflected in changes we propose to DM1 and in the reduction of numbers in SP17. We also think the spatial strategy does not make sufficient use of brownfield land, as set out in SP12.

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

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

Yes	✓

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).

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

In 2.1, add a sentence to the end: "These facts alone indicate a severe constraint on all forms of development in the District." In 4.6, add a sentence at the end: "It is estimated that only 11% of the District is either not already developed or is not subject to national policies that seriously limit the prospects for development and/or are areas where housing cannot be allocated in a Spatial Plan." In the third paragraph of SP1 on page 17, after "improving choice in transport modes" add "and seeking to minimise the need to travel through broadband rollout". At end of 4.19 add new sentence: "We will also encourage local communities and rural businesses to seek opportunities that may arise to accommodate small residential development in support of local needs in appropriate locations, thereby reducing in-commuting from towns and helping to sustain local facilities."

5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?

Yes	✓

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

We wish to explain our approach to rural development known as "Viable Villages".

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	[redacted]	**Date**	**3 March 2023**

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

Part B – Your Representation

Please use a separate sheet for each representation

The accompanying guidance note available at: https://www.westberks.gov.uk/lpr-proposed-submission-consultation will assist you in making representations.

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will ***not normally*** *be a subsequent opportunity to make further representations,* ***further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation *(and client if you are an agent):*	Cllr Dr Tony Vickers On behalf of the **Liberal Democrat Group, West Berkshire Council**. *Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.*

Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	
Policy:	SP11 – Biodiversity
Appendix:	
Policies Map:	
Other:	

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Local Plan Review is legally compliant?

Yes ✓

Please give reasons for your answer:

N/A

2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
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 use of the word "will" where it is intended to refer to the placing of a constraint on development should be replaced by "must". For example, in the first line of SP11, instead of "development proposals **will** be required to demonstrate", it should say "must". Otherwise the sentence could be argued to merely mean that the policy **predicts** that such proposals **will** "conserve and enhance …." so that developers could argue that in a particular circumstance their proposals need not comply with the policy.

This is supported by central government guidance from The Office of Parliamentary Counsel: Drafting Guidance'; June 2020[1]

Conserving biodiversity and where possible enhancing it is an existential matter for the Planet and there can be no easy exemptions. There may be many and/or complex ways to achieve it but no development can be allowed that has not been subject to a rigorous examination of how this will be achieved.

The policy and its supporting text needs to be reviewed in this light.

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

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

Yes ✓

Please give reasons for your answer:

N/A

4. Proposed Changes

[1] 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)

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

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

"Will" should be replaced with "must" in the following places: Line 1; line 2 of 'a'; line 1 under "Internationally Designated Sites"; line 2 of 'q'.

5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?

Yes	✓

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

We would expect the normal legal meaning of the words "will", "must" and "shall" are accepted during Examination of the Plan. In the context of imposing an obligation on a developer, "must" is essential, whereas "will" is merely a prediction. There are other uses of "will" in other policies in the draft Plan which we would hope are scrutinised by the Inspector. This is just the most important Policy of all as it affects all forms of life.

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	[redacted]	**Date**	**3 March 2023**

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

Part B – Your Representation

Please use a separate sheet for each representation

The accompanying guidance note available at: https://www.westberks.gov.uk/lpr-proposed-submission-consultation will assist you in making representations.

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will ***not normally*** *be a subsequent opportunity to make further representations,* ***further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation *(and client if you are an agent):*	Cllr Dr Tony Vickers On behalf of the **Liberal Democrat Group, West Berkshire Council**. *Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.*

Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	6.19-6.20
Policy:	SP12 – Approach to Housing Delivery
Appendix:	1, 8
Policies Map:	Brownfield register (sites not shown)
Other:	Annual Monitoring Report, Five Year Housing Land Supply Nov 2022

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Local Plan Review is legally compliant?

Yes ✓

Please give reasons for your answer:

N/A

2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
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:

If "achieving sustainable development" requires a Plan to provide new housing as far as possible within settlements and on previously developed land, then the allocation of 2,500 homes in North East Thatcham (SP17), of which a minimum of 1,250 are to be delivered by 2039 in this Plan period, shows the Plan is **not Positively Prepared**.

6.16 states that there were 1,958 units already approved on windfall sites – presumably of all sizes – as at 31 March 2022. 6.19 cites NPPF 68 "giving great weight" to such sites and 6.20 links to local evidence in the Council's Register of Brownfield Sites and admits that already they "have consistently played an important role in" the District's housing supply.

However, by only taking account of small windfall sites, despite there being several large and medium sites within settlements with planning consent and featuring in the Register of Brownfield Land, the Policy's supporting text (6.19) takes far too cautious an approach to contribution of windfall to housing supply in the Plan period under review. This is what seems to result in the choice of NET and it makes the Plan (as we set out in more detail in SP17) unsustainable in all three dimensions:

- **Environmental**. In particular:
  - The NET site will be a typical car-dependent community, more so than a development closer to the town centre and/or south of the A4, let alone sites within urban settlements on brownfield land.
  - Placing development on this hillside is likely to add to the surface water drainage problems and potential for flash flooding.
- **Social**
  - Residents of NET will be further from town centre facilities and opportunities for social engagement. This will likely create mental health and anti-social behaviour issues as the development is built out.
- **Economic**
  - The gross under-estimate of the cost of a new secondary school (from £38m to only £5m – apparently across the whole District - in Jan23 IDP) will put economic pressure on the LEA to provide for education and on the wider CIL capital funding across the District.

We believe there is evidence that at least **500** of the 1,250 homes allocated in this Plan period for NET could be instead more sustainably be located within settlements, mainly on two large sites in Newbury.

These two alone could deliver at least **340** units between them and easily be expected to achieve full build-out by 2039, with relatively little need for off-site infrastructure.

-

-

In addition to these urban sites in or adjacent to Newbury town centre with a planning history indicating they are deliverable, there are several other medium/large sites listed in the Register and included in the Five Year Housing Supply that have planning permission or are deemed deliverable and could between them deliver over **250** dwellings just in the five year period to 2027 within other settlements. These are assumed to be part of the 1,958 figure in Table 2, although that is not clear in the current draft Local Plan, which does not refer to a full breakdown of the figure.

Since the definition of 'windfall site' has been significantly broadened to include *"Sites not specifically identified in the development plan"*, not just sites "*that unexpectedly became available"*, we can see no justification for asserting there is no need for a significant windfall allowance from medium/large sites that are known to the LPA as potentially deliverable over the remainder of the Plan period, if such sites are included in the Five Year Land Supply. Small windfall sites have only accounted for about one third of the total actual windfall numbers over the current Plan period, so will almost certainly not deliver most of the windfall in future.

We believe that tackling the Climate Emergency really is top priority for any LPA, so the definition of "exceptional" designs and circumstances (in policies SP2, SP11 & DM1) with respect to new development in the countryside and in villages throughout the District must include proposals for minor housing developments to meet local community and business needs, especially where these can be shown to be zero carbon. It should also include brownfield sites adjacent to but not yet within larger settlements, some of which have been included in the HELAA.

In addition, we would expect more NDPs to be declared by parishes across the District and for these to produce a significant number of housing sites. We would be encouraging this.

We estimate that the combination of planned (through NDPs) and medium/large windfall could amount to at least **200** additional homes per year within, adjacent to or near settlement areas, thereby improving the sustainability, in economic and social dimensions, of rural communities – and in all three dimensions of sustainability (through reducing the need to use the private car) of urban areas.

The ways in which rural communities access services now involve far less travel by private car. As the roll-out of 5G broadband, EV charging infrastructure, online consultations and learning etc. proceeds, it must be assumed that there will less need for large suburban housing estates favoured by the small number of national homebuilders who have come to dominate the housing market. So the choice of a 2,500 homes strategic site (NET) is **not Justified**.

We comment on several other policies in the Plan in a similar vein but for policy SP12 we believe there need only be minor changes in the supporting text and in the tables (see below).

As regards **consistent with national planning policy** and the NPPF, this version of our Plan was published just after a Ministerial Letter on 6th December from the SoS, a letter sent by him to LPAs at the same time and publication by DLUHC on 22nd December of a draft new NPPF for consultation ending on 2nd March at around the same time as this LPA's Reg19 consultation. Furthermore there is

another “fuller update” of the NPPF, thought to be specifically in the light of the Climate Emergency declared by Government in 2018, due before the end of the year, according to the Chief Planner’s January 2023 newsletter.

So it is not surprising that LPAs at a similar stage with Plan making as this Council – including Mr Gove’s own – are pausing their process. The Liberal Democrat Group, which forms the main opposition at this time but could be in control of Council policy by the time there is an Inspector appointed to examine our Plan, is also minded to pause the process for West Berkshire’s Plan until national policy becomes clearer.

While national policy seems internally inconsistent, it is very difficult for all those involved in housing development to understand it. The remarkable churn in senior post holders, from Minister and Chief Planner downwards, does not help the development industry plan for the future and seems to reflect (or perhaps cause) uncertainty. Nevertheless it appears most likely that Plan submission will have occurred before an entirely new Council for West Berkshire is elected in May.

On windfall numbers, we have said that the extremely modest figure seemingly based on an outdated definition of windfall also demonstrates that this policy is not **consistent with national policy.**

Our comments here and elsewhere are therefore submitted in the hope that the Inspector will consider requiring changes broadly in accordance with them to be made as Modifications to the Plan in order to make it sound. There is much in the Plan as submitted that finds the support of the Liberal Democrat Group, in particular the fact that tackling Climate Change is the top strategic priority.

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what ‘Duty to Cooperate’ means.

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

Yes ✓

Please give reasons for your answer:

In respect of SP12 only. See comments on SP17

4. Proposed Changes

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

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

In 6.20, delete all from *"The windfall allowance of 140…."* in line 3 and replace with:
"The windfall allowance of 340 dwellings per annum is consistent with the figures for windfall sites on brownfield land within settlements, as listed in the Register of brownfield sites. The figure includes all sites in the Register that are not already completed or under construction but that have planning consent and are shown as deliverable, plus other windfall sites of all sizes that based on recent local historical evidence may come forward through the development management system during the Plan period. The windfall figure for actual completions per annum during the current Plan period (from 2006/7) is 383."

In Table 2 on the same page, replace the last two figures (1,949 and 7,337) with 3,225 and 8,613 respectively.

In 6.21, replace the figures 1,809 and 7,337 with 533 and 8,613 respectively.

In 6.22, replace the figures 1,720 and 1,500 with 720 and 500 respectively.

Appendix 8 (Housing Trajectory) will need reviewing.

5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?

Yes ✓

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

We would wish to clarify the changes in the light of the latest evidence. This is probably the most significant of all changes we are proposing to the current emerging Plan. In particular we wish to explain why we believe the two large brownfield sites in Newbury that are both largely in fluvial flood zone 2 should be regarded as deliverable in the Plan period and should be included as windfall.

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	[redacted]	**Date**	**3 March 2023**

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

Part B – Your Representation

Please use a separate sheet for each representation

The accompanying guidance note available at: https://www.westberks.gov.uk/lpr-proposed-submission-consultation will assist you in making representations.

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will ***not normally*** *be a subsequent opportunity to make further representations,* ***further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation *(and client if you are an agent):*	Cllr Dr Tony Vickers On behalf of the **Liberal Democrat Group, West Berkshire Council**. *Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.*

Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	6.28
Policy:	SP13 Residential sites in Newbury & Thatcham Spatial Area
Appendix:	
Policies Map:	
Other:	

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Local Plan Review is legally compliant?

Yes ✓

Please give reasons for your answer:

N/A

2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
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 reasoned in our SP12 response, we do not think there is a need in the Thatcham part of this Spatial Area for a greenfield site larger than 5-700 homes. There are windfall sites there within or on the edge of the settlement area that could take that number, so an allocation of 500 for a single site in the general area of North East Thatcham is all that is justified. More work will be needed while the Plan making process is paused to establish more precisely where this should be.

We also think that there remain significant issues with the Sandleford site allocated in 2012. We see little prospect of more than 50 new dwellings being occupied south of Monks Lane Newbury until Thames Water upgrades the foul sewer network through Newbury and on to Lower Way Thatcham treatment works, which is likely to take at least five years according to its own estimates. More detail of our reasoning for a reduced number over the Plan period is in our response to SP16.

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

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

Yes ✓ No

Please give reasons for your answer:

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).

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

In the table for Large sites, SP16 should be reduced to 1200 and for SP17 to 500. In 6.28, delete all after “1500 homes could be developed” in line 3 in that sentence and add“, of which only 1200 are likely to be delivered by 2039.” In the fourth line replace 1,500 with 500. The remainder of this paragraph can stay as it is.

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:

We wish to explain our whole approach to new housing in these urban areas.

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	[redacted]	**Date**	**3 March 2023**

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

Part B – Your Representation

Please use a separate sheet for each representation

The accompanying guidance note available at: https://www.westberks.gov.uk/lpr-proposed-submission-consultation will assist you in making representations.

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will ***not normally*** *be a subsequent opportunity to make further representations,* ***further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation *(and client if you are an agent):*	Cllr Dr Tony Vickers On behalf of the **Liberal Democrat Group, West Berkshire Council**. *Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.*

Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	6.45
Policy:	SP16 Sandleford
Appendix:	
Policies Map:	
Other:	

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Local Plan Review is legally compliant?

Yes ✓

Please give reasons for your answer:

N/A

2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
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 remains considerable doubt as to whether the build-out of the whole site will be achieved before the end of the Plan period. Hence we believe it fails the soundness test by not being **effectively** deliverable.

For a start, Thames Water notified the Council in 2020 that no more than 50 new dwellings can be occupied before a significant upgrade to sewage treatment works and drainage is completed. This presumably involves a developer contribution towards the cost and will also be far-reaching in scope and includes: a new pumping station near the top of the Monks Lane / Newtown Road (A339) hill needed on third party land; upgrades to several sections of foul sewage mainly lying below main roads in Newbury; a new holding tank near - and expansion to - the (Listed) existing Victorian pumping station at Faraday Road, which is in the middle of the Council-owned London Road Industrial Estate (itself due for redevelopment). This alone, quite apart from other infrastructure that needs to be available before works commence, means that the earliest completion of new units is likely to be significantly later than that shown in Appendix 1 to the Nov 2022 Five Year Housing Land Supply: 2025/26. Presumably all of the Bloor Homes Sandleford Park East site (1080 units) will need to feed into this sewage system.

At a rate of 100/year (as shown in the Housing Land Supply table) and starting in, say, 2028/29 in theory the Bloor development could be built out within the Plan period. However, the southern section of Bloor's site needs to link with Sandleford Park West (on another developer's land) if it is to rely on the Warren Road access onto A343 and not on a large valley crossing bridge to connect the Community Centre with the main housing north of the valley. Until a detailed Planning Performance Agreement between Bloor and the Council (and ideally also with the other developer, whose outline application has yet to be approved) has been seen, there can be little confidence that the Bloor site will not reach a point where progress is slowed.

As for Sandleford Park West, the developer is known to be hoping to avoid using Warren Road and instead to be able to extend the development south towards the Hampshire border and make a new access onto A343 either north or south of the River Enborne. Therefore, we have little confidence that the western part of the allocated site will proceed at pace and be delivered by the end of the Plan period 2039.

For this reason we suggest the allocation from Sandleford be reduced to 1200, although the site can remain allocated for 1500, with the remaining 300 completed in the period after 2039.

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

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

Yes ✓

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).

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

At the end of the first sentence in SP16 add "of which only 1200 are to be delivered in the period to 2039".

In 6.45 (or in new paragraph), add to the end: "A first Reserved Matters application for the eastern part of the site is expected in late 2023 and the last Reserved Matters need not be submitted for 12 years thereafter (i.e. 2035). Based on this and because there remain significant technical reasons why no completions are likely until about 2028 and why the linkages between the east and west parts could prove problematic, we do not expect it will be possible to build out the whole allocated site by the end of the Plan period."

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:

Whether or not I remain a Member of the Council, I intend to keep a close interest in progress of the site. I have had a close involvement in it since 2009. A Planning Performance Agreement is due to be published late this year and we would wish to review our comments on Sandleford after that.

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	[redacted]	**Date**	**3 March 2023**

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

Part B – Your Representation

Please use a separate sheet for each representation

The accompanying guidance note available at: https://www.westberks.gov.uk/lpr-proposed-submission-consultation will assist you in making representations.

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will ***not normally*** *be a subsequent opportunity to make further representations,* ***further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation *(and client if you are an agent):*	Cllr Dr Tony Vickers On behalf of the **Liberal Democrat Group, West Berkshire Council**. *Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.*

Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	6.52-6.63
Policy:	SP17 North East Thatcham
Appendix:	
Policies Map:	Depiction of North East Thatcham site boundary
Other:	Appendix 5 to SA and numerous other documents referenced by Thatcham Town Council (TTC) in their response

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Local Plan Review is legally compliant?

No ✓

Please give reasons for your answer:

We do not demur from the view of TTC in respect of the following issues and will not repeat their reasoning:-

- Status of the Thatcham Strategic Growth Study.
- Deficit of Social Infrastructure for Thatcham.
- Lack of Provision of secondary education and primary healthcare.
- "Interim" Duty to Cooperate Statement.
- Scoring system used in the Sustainability Appraisal: Appendix 5 SA/SEA of Strategic Policies for SP17 draws on the evidence base in a manner that that does not appear to justify many of the 'scores' allocated, which seem to be 'hoped-for' scores not justified by any evidence. In summary, there has been insufficient "appraisal" so far: not enough to justify such a large site being allocated such a large proportion of the total housing requirement.
- Lack of clarity about why and how the size of the site was arrived at, both with respect to the numbers in the emerging Plan period and the overall size in the longer term. It appears that this number does not seem to be evidenced and then efforts have been made to find justification for reducing the number as a result of local political pressure.
- Deliverability of 1500 homes within the Plan period, based on experience with a similarly large site (Sandleford Park) where completions were supposed to start within 4 years of the site's allocation (2012) but which is unlikely to deliver any units until 2029.
- Availability of water supply and treatment, which links to deliverability. NET and Sandleford both require a major upgrade of Thames Water's Lower Way treatment works and the foul sewer network leading to it.
- Landscape Capacity Assessment.
- Lack of definition of settlement boundary.
- Inadequate and contradictory information on highways and traffic.
- Use of "will" where "must" is strongly preferred (see elsewhere in the draft Local Plan, as explained by us in our SP11 response).

2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
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:

We agree with TTC that, for a variety of reasons under the tests for Soundness, SP17 fails on many issues as described in their response (see list under Legally Compliant). We do not intend to repeat their argument, but on the basis that we agree with them, our Group has focused on finding sites within settlements or adjacent to them – including other sites within Thatcham that could between them deliver about 500 new units – that would deliver the same number as NET is currently allocated within the Plan period to 2039.

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

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

Yes ☐ No ✓

Please give reasons for your answer:

As stated by Thatcham Town Council, on Healthcare there is lack of evidence that the primary healthcare authorities have been adequately consulted. Also the Duty to Cooperate Statement doesn't convince us that National Highways, Thames Water, or Natural England have responded. This makes the submission premature in our view and this Council should not have agreed to authorise officers to submit Reg19 to consultation until these statutory authorities had responded.

4. Proposed Changes

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

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to proposals by Thatcham Town Council, which we support in full.

5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?

Yes ✓

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

We need to explain why we think the provision for infrastructure funding is so inadequate for NET. We hope that the relevant authorities will have supplied responses to the LPA by the time the Examination begins.
Although we are largely led by the more detailed analysis done by Thatcham Town Council, this Group expects to have access to more (and different / independent) advice and resources than Thatcham Town Council.

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	[redacted]	**Date**	**3 March 2023**

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

Part B – Your Representation

Please use a separate sheet for each representation

The accompanying guidance note available at: https://www.westberks.gov.uk/lpr-proposed-submission-consultation will assist you in making representations.

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will ***not normally*** *be a subsequent opportunity to make further representations,* ***further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation *(and client if you are an agent):*	Cllr Dr Tony Vickers (on behalf of the **Liberal Democrat Group, West Berkshire Council**). *Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.*

Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	7.1-7.21, especially 7.6-7.7, 7.10, 7.13 & 7.16 7.25
Policy:	SP20 & SP21
Appendix:	
Policies Map:	Proposed employment allocations
Other:	DM35

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Local Plan Review is legally compliant?

Yes | |

Please give reasons for your answer:

N/A

2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
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:

We believe the approach is too passive. If "**Positively Prepared**" means working with all local stakeholders and in particular landowners, it is clear to us that certain key stakeholders could have been persuaded to resolve the issue of lack of employment sites in suitable locations.

Newbury Town Council under a Conservative administration resolved to include development of Newbury Showground as part of its Vision under successive political administrations since 2018. The site is very convenient for the occasional events held there by the Newbury & District Agricultural Society (NDAS), aimed largely at the rural business sector.

However this site, now largely Brownfield although located in planning terms in open countryside just inside the AONB, is much under-used. We are aware that there is significant – but not majority - support for further development within NDAS membership at present but we would expect and wish for the trend to continue towards making the Showground a hub for distribution, led by its situation at the geographic centre of the AONB but also easily accessible by the national highway network and within close reach of a varied workforce in Newbury & Thatcham We also believe it could enhance its appeal over the Plan period as a rural business hub for a wider area of North Wessex & beyond.

It also links to the Council's unanimous aspiration to redevelop the London Road Industrial Estate (LRIE), which is a DEA owned by the Council. Our view is that, in the short to medium term, some business occupiers at LRIE might be relocated to the Showground to enable that site to be redeveloped earlier in the Plan period than is otherwise likely. As stated in 7.7 "there is little or no viability in the [office development] market" at present, so the current range of LRIE business occupiers is likely to remain, leaving the "[un]attractive environment for modern day use" (7.10) there for the foreseeable future – as it has been for the past 20 years since the Council first realised its estate was seriously in need of redevelopment. As per 7.6: "market signals are generally not sufficient to trigger new build office development on a speculative basis". That seems to be admitting that LRIE will not be redeveloped for purely commercial use any time soon.

We also have concerns that by encouraging office development in DEAs (as implied in 7.7 second sentence) such as LRIE, where there are many 'blue collar' jobs in the motor industry, the future viability of these businesses may be endangered unless there are other employment sites within a short distance from their customer and employee base. These businesses could therefore be relocated at the Showground.

There is currently not enough evidence that the policy is **Justified** or **Effective**. We have no confidence that LRIE will be redeveloped for commercial use within the Plan period without significant proactive intervention in the employment land market by the District Council. The Liberal Democrat Group is of the view that by allowing the re-provisioning of the football facility in Faraday Road and by implementing the consented Gateway Plaza (despite and indeed because its residential component will improve the overall financial viability of LRIE redevelopment) the Council will attract significant interest in commercial development of the rest of the site, provided some of its current occupiers can be relocated at least temporarily. This is touched on also in our response to SP12.

We would like to see the Council reaching out to NDAS and all rural businesses through the newly formed West Berkshire Rural Business Forum, the North Wessex Downs AONB Management Board and local councils across the District with its "vast rural area that is host to a large number of small and medium sized enterprises" (7.16) and beyond and to work up a strategy that sees Newbury Showground become a hub for the North Wessex rural business community.

This could perhaps also relieve Membury of some of the HGV traffic that currently this Council is helping to impose on minor rural roads (e.g. Ermin Street) by allocating employment sites relatively remote from where their workforce live. Membury is not sustainable and its use for employment has harmed the AONB significantly more than we believe Newbury Showground would. We know that unauthorised and uncontrolled access through Membury Services is made by vehicles on journeys generated by this employment area, because that cuts 5 miles off the journey onto the M4 at J14. This is a matter outside of the control of the Council as Local Highway and Planning Authority but unless it is properly legislated for and enforced, J13 in contrast involves less than 8 miles distance from the national highway network and is 12 miles nearer Newbury than Membury and immediately adjacent to the Showground. It would be far more suitable than Membury as a dedicated employment area.

Having a major distribution centre at the Showground is likely to also reduce demand for such development at Colthrop, which would in turn reduce the number of HGVs using the A4 through Newbury & Thatcham. This would encourage greater uptake of active travel on the A4 and its feeder roads and therefore be more **consistent with national policy**.

Although Newbury Showground appears to be largely greenfield land and is used for part of the year for grazing, it has substantial areas of hardstanding and several permanent buildings on it. The Newbury Racecourse site was treated as a brownfield site when it was allocated for housing and the proportion of previously developed land on both sites is similar. It also supports some existing employment. Therefore it complies with 'd' of policy SP20.

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

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

Yes	✓

Please give reasons for your answer:

Not applicable because NDAS is not one of the statutory bodies listed in the Duty to Cooperate

4. Proposed Changes

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

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We have no proposals to change SP20 or its supporting text, which is worthy but likely to be ineffective without changes to SP21 and the list of DEAs, as suggested below. In SP21, delete ESA3 (in Membury) including reference to it in 7.25 and add Newbury Showground. We would need supporting text adding for the Showground, based on the wording in the above section.

5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?

Yes |

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To explain further and provide evidence in support of the above.

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	[redacted]	**Date**	**3 March 2023**

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

Part B – Your Representation

Please use a separate sheet for each representation

The accompanying guidance note available at: https://www.westberks.gov.uk/lpr-proposed-submission-consultation will assist you in making representations.

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will ***not normally*** *be a subsequent opportunity to make further representations,* ***further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation *(and client if you are an agent):*	Cllr Dr Tony Vickers On behalf of the **Liberal Democrat Group, West Berkshire Council**. *Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.*

Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	7.48
Policy:	SP23 Transport
Appendix:	
Policies Map:	
Other:	Phase 1 Transport Assessment December 2020

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Local Plan Review is legally compliant?

Yes ✓

Please give reasons for your answer:

N/A

2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
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 most recent transport modelling, according to the Phase 1 Transport Assessment Dec 2020, was done based on models run before the pandemic caused major changes in travel and transport patterns. It was also only projecting forwards to 2037, whereas the Plan period has been extended to 2039. Nor does it take into account the most recent HELAA in which new sites came forward and other sites which had previously been modelled for were removed.
Therefore the modelling needs to be re-run using the best national post-pandemic traffic data and the latest set of sites included in this draft for allocation of development, otherwise the LPA will be unable to defend those allocations during Examination and may also be unable to justify transport projects it wishes to include in the IDP and CIL/S106 funding derived from developments for their contributions to transport infrastructure.
The lack of updated traffic modelling could also impact on Air Quality assessments.

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

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

Yes ✓

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).

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The traffic modelling needs to be redone; there are no changes to be proposed to the Plan until this happens. The change necessary is for the Plan process to be paused until the traffic modelling has been redone.

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:

We are unsure at this stage. If the emerging LTP involves new traffic modelling then it may have been done before the Examination of this Plan is begun.

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	[redacted]	**Date**	**3 March 2023**

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

Part B – Your Representation

Please use a separate sheet for each representation

The accompanying guidance note available at: https://www.westberks.gov.uk/lpr-proposed-submission-consultation will assist you in making representations.

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will ***not normally*** *be a subsequent opportunity to make further representations,* ***further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation *(and client if you are an agent):*	Cllr Dr Tony Vickers On behalf of the **Liberal Democrat Group, West Berkshire Council**. *Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.*

Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	7.52-7.58
Policy:	SP24 – Infrastructure Requirements and Delivery
Appendix:	
Policies Map:	
Other:	Infrastructure Delivery Plan; CIL Charging Schedule (2014)

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Local Plan Review is legally compliant?

Yes ✓

Please give reasons for your answer:

N/A

2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
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:

National policy on funding of infrastructure is currently unclear. Whilst the Liberal Democrat Party has always strongly supported using the uplift in land value from the granting of planning consent (and also from allocating land through Local Plans to a higher value land use) to fund essential infrastructure required by new developments, we also support the use of the higher 'spill-over' land value resulting from investments in infrastructure, because land values are affected (generally in an upward direction) over a wide area by improvements to infrastructure.
None of the post-WWII methods of capturing land value for public benefit have worked adequately and it is as yet unclear whether the Levelling Up & Regeneration Bill will result in a system which is any better than CIL. It is unclear what national policy currently is and therefore local policy SP24 cannot be deemed consistent with it.
Therefore, we believe this policy is unsound until and unless the Government's proposals are clearer. This is one reason why we would wish the Plan making process to pause. If there is no change to the system, then the current CIL Charging Schedule needs urgent updating.
Appendix 1 to the IDP is seriously lacking in evidence of anything approaching a realistic cost estimate for the infrastructure projects listed as necessary for developments set out in the LDP. It is totally **ineffective** as it stands both for this reason and because of the lack of clarity on government policy and the effect this is having on investor confidence.

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

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

Yes ✓

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).

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Completion of the IDP is needed. The Plan process should be paused until the IDP is at a more advanced stage with all known projects given at least an approximate realistic estimated cost.

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:

When the IDP has been fleshed out, we will wish to examine and probably comment on it, with the ability to question and be questioned on comments made. Meanwhile I have personally submitted an application to be involved in the DLUHC studies of Land Value Capture and Land Auctions, which form part of the Levelling Up Bill. I have previously been involved in research for Government on this subject and it may be appropriate to speak on this at the time of the Public Examination of this Plan.

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

6. Notification of Progress of the Local Plan Review

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

Please tick all that apply:	*Tick*
The submission of the Local Plan Review for Independent Examination	✓
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	[redacted]	**Date**	**3 March 2023**

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

Part B – Your Representation

Please use a separate sheet for each representation

The accompanying guidance note available at: https://www.westberks.gov.uk/lpr-proposed-submission-consultation will assist you in making representations.

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will ***not normally*** *be a subsequent opportunity to make further representations,* ***further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation *(and client if you are an agent):*	Cllr Dr Tony Vickers On behalf of the **Liberal Democrat Group, West Berkshire Council**. *Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.*

Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	9.6
Policy:	DM1 – Residential Development in the Countryside
Appendix:	
Policies Map:	Yes
Other:	

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Local Plan Review is legally compliant?

Yes ✓

Please give reasons for your answer:

N/A

2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
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:

Due to the number of constraints on development (AONB, AWE DEPZs, floodplains, nutrient neutrality zones) resulting in a serious shortage of available suitable land in settlements, also given the major changes in living, travel and working habits occurring in rural areas with the roll-out of the internet and EV charging, there would seem to be a reduced need to control development in the countryside.

Major changes in agriculture are also almost inevitable as a result of climate change, BREXIT and the need for food security, but alongside a more environmentally friendly and low carbon input food production system. Whilst agriculture and food production is outside the remit of LPAs and the wider spatial planning system, these changes are bound to lead to new opportunities for employment in businesses that form part of the food chain. This will lead to pressure for housing associated with these rural businesses and while overwhelmingly new housing will be within existing settlements, there may be a need for housing close to businesses outside settlement areas.

Therefore, we feel there is no justification for a policy that prevents almost all housing development in the countryside if it is deemed to cause any harm in the relationship between settlements and countryside. We wish to only prevent significant harm and to give great weight to development that can be shown to be self-sufficient and not lead to significantly more need to travel and is exceptionally well designed, as stated already in 9.6.

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

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

Yes ✓

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).

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

In the last paragraph of DM1, insert "significantly" before "harms" in line 1 and before "adverse" in line 4.

5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?

Yes	✓

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To explain our whole somewhat more relaxed approach to development in the countryside "(see also responses to DM23/24/35).

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	[redacted]	**Date**	**3 March 2023**

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

Part B – Your Representation

Please use a separate sheet for each representation

The accompanying guidance note available at: https://www.westberks.gov.uk/lpr-proposed-submission-consultation will assist you in making representations.

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will ***not normally*** *be a subsequent opportunity to make further representations,* ***further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation *(and client if you are an agent):*	Cllr Dr Tony Vickers On behalf of the **Liberal Democrat Group, West Berkshire Council**. *Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.*

Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	10.64 – 10.72
Policy:	DM7 Water Resources
Appendix:	
Policies Map:	
Other:	West Berkshire Water Cycle Study Phase 2 by JBA Consulting Sep 2021

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Local Plan Review is legally compliant?

Yes ✓

Please give reasons for your answer:

N/A

2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
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 policy admits that West Berkshire District is part of a "severely water stressed area" but accepts the Building Regulations reduced standard supply rate for new developments of 110l/p/d maximum as adequate.
We are aware that other parts of the south and south east have adopted 100L/p/d as the standard, with 80L/p/d for strategic sites.
We therefore believe that the Council needs to work with other statutory bodies (EA & Thames Water, also NE) and the building industry to demonstrate that this higher standard is appropriate as Local Plan policy for West Berkshire. This would help in several ways:

1. Reduce waste water volumes;
2. Encourage grey water recycling, which could assist SUDS and reduce surface water network volumes;
3. Reduce the need for more reservoirs within the Thames Water severely stressed area;
4. Help protect chalk streams and aquifers from excess abstraction.

Failure to explore this would seem to show this policy is unsound in every sense.

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

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

Yes		No	✓

Please give reasons for your answer:

The fact that this has not been explored fully, and with Thames Water in particular, indicates a failure to exercise the Duty to Cooperate.

4. Proposed Changes

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

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

In the second paragraph of the policy, after "…Regulations G2." Add this sentence:- "For strategic sites a higher standard of 80l/p/d will be sought." In supporting text 10.69, after "Phase 2 (2021)" at end, add ", which recommended consideration of an even more stringent target, particularly for strategic sites."

5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?

Yes	✓

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

We strongly believe the JBA Stage 2 report needs following up and will be seeking to engage urgently with Thames Water and the development industry on this matter.

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	[redacted]	**Date**	**3 March 2023**

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

Part B – Your Representation

Please use a separate sheet for each representation

The accompanying guidance note available at: https://www.westberks.gov.uk/lpr-proposed-submission-consultation will assist you in making representations.

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will ***not normally*** *be a subsequent opportunity to make further representations,* ***further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation *(and client if you are an agent):*	Cllr Dr Tony Vickers (on behalf of the **Liberal Democrat Group, West Berkshire Council**). *Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.*

Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	10.81
Policy:	DM9 – Conservation Areas
Appendix:	
Policies Map:	yes
Other:	Conservation Areas page on Council website Historic environment section of evidence base to the LPR

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Local Plan Review is legally compliant?

Yes ✓

Please give reasons for your answer:

N/A

2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
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:

Most of the 53 CAs in the District were designated more than 30 years ago, yet the only two for which a CAA has been carried out and approved as Local Plan evidence are two of the most recently designated: Streatley & Peasemore. These are among the smallest and yet the CAAs were carried out immediately after they were first designated.

This shows that the Council has not used any kind of systematic, evidence based or reasonable approach and has failed to carry out its statutory function cited in 10.80. Without a CAA it is very difficult for any LPA to "define what is special about a particular Conservation Area" and therefore to justify a claim that a particular development harms its character. This leads to a significant degree of uncertainty in the minds of all stakeholders in the planning process, adds to delays and costs and brings the process and the Plan itself into disrepute among the community.
CAs are by definition the areas within settlements that far more people experience in their routine daily lives than other aspects of Heritage protection of which seems to have been given a much greater share of the Council's resources over many decades.
For these reasons, we believe the Plan is currently **ineffective** and **not in accordance with national planning policy**.

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

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

Yes ✓

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).

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Nothing that can be added to the Plan itself can make this aspect of it sound. Until evidence is produced that some of the larger CAs will have CAAs made within a period of, say, five years, there can be no confidence that Policy DM9 will carry sufficient weight in decision making for developments within or affecting the setting of a CA. For example, Newbury Town Centre was designated a CA in 1971 and contains more Listed Buildings than any other in the District, but 50 years on its CAA has only this year been published for consultation.

5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?

Yes	✓

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To give examples of how lack of CAAs has impacted on development in central Newbury and details of what I know about how local policy and resourcing priorities have caused this.

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	[redacted]	**Date**	**3 March 2023**

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

Part B – Your Representation

Please use a separate sheet for each representation

The accompanying guidance note available at: https://www.westberks.gov.uk/lpr-proposed-submission-consultation will assist you in making representations.

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will ***not normally*** *be a subsequent opportunity to make further representations,* ***further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation *(and client if you are an agent):*	Cllr Dr Tony Vickers On behalf of the **Liberal Democrat Group, West Berkshire Council**. *Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.*

Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	6.19-6.20
Policy:	DM23 – housing for rural workers
Appendix:	
Policies Map:	
Other:	

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Local Plan Review is legally compliant?

Yes ✓

Please give reasons for your answer:

N/A

2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
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:

We believe this policy is not **justified** in demanding that such developments have "**no** adverse impact on the rural character…" (etc.) because there will be so much change in the nature and national importance of land based businesses, owing to needs of food security and changes to agriculture, also to the factors influencing "sustainability" in all three dimensions, that this is too restrictive.

For example, housing workers close to, but not within a rural settlement – let alone the nearest town – might incur more travel and transport related carbon emissions and deny a village school and shop the additional customers it needs to survive economically and the rural community to flourish socially. Meanwhile it might increase peak hour congestion in urban areas caused by journeys that would not be needed if the worker lived near to their workplace.

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

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

Yes ✓

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).

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

In ‘g’, insert “significant” before adverse. In 11.43 replace “nearby” with “within or near to” in line 1 and in the last sentence after “workplace” insert “the overall sustainability of siting the accommodation nearer to the workplace than policy would otherwise allow,”

5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?

Yes	✓	No	

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To expand on our Viable Villages concept and why we believe the evidence leads to a more flexible attitude towards development in the countryside.

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	[redacted]	**Date**	**3 March 2023**

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

Part B – Your Representation

Please use a separate sheet for each representation

The accompanying guidance note available at: https://www.westberks.gov.uk/lpr-proposed-submission-consultation will assist you in making representations.

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will ***not normally*** *be a subsequent opportunity to make further representations,* ***further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation *(and client if you are an agent):*	Cllr Dr Tony Vickers (on behalf of the **Liberal Democrat Group, West Berkshire Council**). *Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.*

Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	11.50-11.59
Policy:	DM24 – Conversion of Redundant Rural Buildings
Appendix:	
Policies Map:	
Other:	

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Local Plan Review is legally compliant?

Yes ✓ No

Please give reasons for your answer:

N/A

2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
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:

It is not easy to decide whether a building is structurally unsound. While an applicant is considering whether to retain a building that they no longer have use for, its condition can deteriorate from being 'sound' to being dangerous. Adding this to the list of criteria to be met before planning consent can be given simply adds to the cost and delay and makes it likely that we will have more unsightly crumbling buildings in our rural landscape. Such buildings are all too common a feature of the countryside in areas where local policy is unduly strict on this.

This policy adds to the cost and delays of what could be beneficial restoration of buildings with character that befits their setting. It is not really the business of planners but of structural engineers and cost accountants – and, as regards legislation, of Building Regulations – to determine whether it is 'worth' retaining a building because of its poor structural condition.

We prefer to see the planning decision focus on the outcome of any restoration and re-use and also whether its restoration will result in fewer carbon emissions than if the embedded energy in its original construction is allowed to go to waste. We have no problem with the other criteria listed, but if these are all met, we can see no good reason to condemn a structurally unsound but otherwise potentially harmless building, that could find a new use.

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

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

Yes ✓

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).

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

In 'a', insert "permanent" before "building" and delete the words "structurally sound and". In 'f', add "significant" before "adverse". In 11.50, replace "structurally sound" with "substantially entire". Reword 11.51 in entirety: "This policy will allow the retention for residential use of any redundant or derelict building in the countryside that retains a significant element of character that is appropriate in its rural setting, irrespective of its structural soundness. The judgement as to whether to allow its conversion should not be based on matters that in legislation properly belong to Building Regulations, but should depend on whether its planned use and design are in accordance with national and local planning policy alone – in particular DM1 - and are suited to the particular location." In 11.53 last line replace "can" with "should". Delete 11.57 and re-number.

5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?

Yes ✓

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

I may wish to give examples of how such buildings have been restored well and also of where they have been allowed to crumble because the current local policy has insisted on structural soundness as a criteria; also same as DM23. Ideally in the same oral session as SP1, DM1/23/31.

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	[redacted]	**Date**	**3 March 2023**

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

Part B – Your Representation

Please use a separate sheet for each representation

The accompanying guidance note available at: https://www.westberks.gov.uk/lpr-proposed-submission-consultation will assist you in making representations.

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will ***not normally*** *be a subsequent opportunity to make further representations,* ***further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation *(and client if you are an agent):*	Cllr Dr Tony Vickers On behalf of the **Liberal Democrat Group, West Berkshire Council**. *Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.*

Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	11.107-11.122
Policy:	DM31 Residential Amenity
Appendix:	
Policies Map:	
Other:	

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Local Plan Review is legally compliant?

Yes ✓

Please give reasons for your answer:

N/A

2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
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:

In an urban setting, where residential development is within a short distance of public open space, the need to achieve wider sustainability policy objectives can mean that to insist on a minimum length or area of private amenity space, irrespective of the functional needs of future occupants, is not always justified.
What matters, is whether the occupants have access to the benefits that come from outdoor exercise and the natural environment, with all the health benefits it brings and with the added advantage that access to public open space of makes social contact easier and leads to a more vibrant local community.
This particularly applies to urban settings with their advantages of easy access to other facilities by means of active travel: schools, shops, hospitality venues, etc.
By removing any requirement for a specific size of private outdoor amenity space, other than for functions such as hanging out the washing, spaces for growing salads or flowers, or generally personalising that space within reasonable limits, planning policy will enable more effective use of high value urban land and therefore promote more sustainable urban communities, where residents care more for their shared outdoor spaces than for private gardens that many neglect and may find a burden to maintain.
The proposed change of policy here will increase choice for some households want a house for their small family but who would otherwise be denied access to decent sustainable living space with any totally private outdoor amenity space, in soulless blocks of flats.

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

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

Yes ✓

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).

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Delete "iv" in DM31 and renumber 'v' as 'iv'. Add new 11.110 after 11.109 and re-number: "Proposals to provide shared private space between neighbouring dwellings within a new development will be considered if they can demonstrate outcomes more likely than not to improve neighbourly relations. However a clear distinction will need to be made between such private space for the development's residents only and public open space available to all." Add after existing 11.113 new paragraph and re-number: "In urban settings near public parks or high quality public open spaces (such as a canal towpath or riverside right of way), a reduction in private amenity space standards may be acceptable if access to those public spaces is within 5 minutes on foot."

5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?

Yes	✓

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

I wish to provide evidence of public and academic support for these changes.

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	[redacted]	**Date**	**3 March 2023**

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

Part B – Your Representation

Please use a separate sheet for each representation

The accompanying guidance note available at: https://www.westberks.gov.uk/lpr-proposed-submission-consultation will assist you in making representations.

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will ***not normally*** *be a subsequent opportunity to make further representations,* ***further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation *(and client if you are an agent):*	Cllr Dr Tony Vickers On behalf of the **Liberal Democrat Group, West Berkshire Council**. *Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.*

Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	6.19-6.20
Policy:	DM35 – Sustaining Rural Economy
Appendix:	
Policies Map:	
Other:	

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Local Plan Review is legally compliant?

Yes ✓

Please give reasons for your answer:

N/A

2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
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:

In the absence of the wider context that can be provided to decision makers in development management by landowners and rural businesses, it can be difficult to appreciate the longer term objectives behind a particular development proposal in the countryside. Therefore the creation of West Berkshire Rural Business Forum in late 2022 is greatly welcomed.
We see a need for some mention of this Forum in the new Local Plan. This would encourage better relations between the Council and rural businesses and landowners facing the immense challenges of climate change, and with the wider rural community. As their elected representatives, the Council - especially in its role as Local Planning Authority - should lead initiatives such as Whole Estate Plans that should help achieve more timely decisions and better outcomes for all.
In the absence of this proposed change, policy for sustaining a prosperous rural economy may not achieve its aim as successfully as it should with the more proactive involvement of the Council through the Rural Business Forum. In particular, we see this change as encouraging the production of Whole Estate Plans by larger estates.

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

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

Yes ✓

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).

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Add to end of 12.18: "Reference to Whole Estate Plans, prepared with the active involvement of appropriate officers of the Council and other public bodies, will normally be taken as evidence in support of specific development proposals. In their absence, decisions may be delayed while equivalent comprehensive evidence and negotiations have to take place."

5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?

Yes	✓

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To give evidence as to how we see the Rural Business Forum assisting with achieving the objectives of the policy.

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	[redacted]	**Date**	**3 March 2023**

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