


**West Berkshire Local Plan Review 2022-2039**
**Proposed Submission Representation Form**
**Ref:**
*(For official use only)*

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

This form has two parts:

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

**PART A: Your Details**

*Please note the following:*

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cannot be kept confidential and will be available for public scrutiny, however, your contact details will not be published.*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

	Your details	Agent's details (if applicable)
Title:	Mr and Mrs	Mrs
First Name:*		Lisa
Last Name:*	Scrimgeour	Jackson
Job title (where relevant):		Managing Director
Organisation (where relevant):		Jackson Planning Ltd
Address* Please include postcode:		Sanderling Swannaton Road, Dartmouth DEVON TQ6 9RL
Email address:*	c/o agent	
Telephone number:	c/o agent	

*\*Mandatory field*

**Part B – Your Representation*****Please use a separate sheet for each representation***

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

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

Your name or organisation (and client if you are an agent):	Mrs Lisa Jackson on behalf of Mr and Mrs Scrimgeour
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	
Policy:	RSA 17 -Land at Chieveley Glebe (Site Ref CHI23)
Appendix:	
Policies Map:	Accompanying Plan to policy RSA 17
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:*

NA
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## 2. Soundness

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

### Do you consider the Local Plan Review is sound?

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

Please tick all that apply:

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

Please give reasons for your answer:

#### Positively Prepared

The plan has not been positively prepared as the allocation RSA17 does not accommodate the need for a new burial ground at Chieveley. Indeed, the allocation of this site entirely for housing will remove the last available suitable site within the village for a burial ground requirement as set out in the adopted parish plan (2011). This requirement is confirmed in the evidence base of Sustainability Appraisal (SA). The objection to Reg 18 plan from the Parish Council confirmed that part of the site was required for a burial ground. The need for a burial site was restated at the Chieveley Parish Council meeting on 14/02/23. Whilst this social need was identified it was not considered in the Sustainability Appraisal informing the local plan when considering the social sustainability of the site. The complete lack of commentary on this would suggest this issue has not been considered and the plan has not been positively prepared with the impact on the community considered at all, despite the previous objection from the Parish Council and my clients. This is unacceptable.

Furthermore, the sequential test in Strategic Flood Risk Assessment on flooding considered both residential and burial ground uses with a note that this was promoted by the developer. The sequential test went on to allocate the site for housing development, but the policy in the Regulation 19 version does not include the burial ground. Given the developer was proposing this, and the Parish Council supported this use the plan has not positively reflected the developers/ Parish requirements. Given a change of use application would be required for the burial ground an allocation in the local plan would protect and secure this for the community and create a positive policy securing social sustainability.

#### Justified

The plan is not justified by evidence. The allocation of RSA17 entirely for housing is the wrong strategy for this settlement. It would not be sustainable to deny the provision of a new burial ground in the village, it would require funerals (for those residents who choose burial) to be conducted outside the village which forces bereaved families to have to travel by car to other settlements with burial grounds or could force residents to choose cremation for their loved ones as burial will be denied the residents if this development proceeds as currently set out in the plan.

The Sustainability Appraisal (SA) suggests that the allocation will not impact on the vitality of the village, however, there is no reference to provision of burial facilities and the need to protect sites for this which are limited due to groundwater issues. Allocation of RSA17 for housing only is not a reasonable alternative,

when part of the site is required as a burial ground. The SA states “Positive sustainability impacts are identified in relation to social sustainability” given the loss of a potential burial ground this statement is not true. Social sustainability will be damaged if a burial site cannot be located within the village.

The multiple access points shown on the plan accompanying the policy will destroy the frontage ancient hedgerow. The policy is not justified by evidence to show that visibility splays on multiple accesses will not destroy the hedgerow, especially given the bend in the road. Natural England and AONB unit said: “The strong rural character of East Lane should be conserved via retention and reinforcement of the hedgerow if possible. Building height will be important.”

Caveat (b) of the policy requires the visibility splays of 2.4 x 43 m. The policy map shows 5 access arrows. If each one of those five access arrows has a visibility splay to the above standard there will be no frontage hedge left. In addition the western most arrow would require visibility over my client’s land, so is not acceptable, as it is not available, and the development cannot be achieved as shown on the plan.

In addition, the policy at point (c) requires a footway fronting the site. This would remove the entire frontage hedge to achieve such a footway. This policy caveat is not justified by evidence that this will not destroy the frontage hedge.

### **Consistent with National Policy**

Policy RSA17 is inconsistent with NPPF 73. This requires that planning policies should ensure that new homes can be provided in extensions to existing villages where they are well located and supported by the necessary infrastructure and facilities. Caveat a) to this national policy requires the council to consider opportunities presented for planned investment in infrastructure. The policy does not identify the well-established and planned requirement by the community for infrastructure of a burial ground to serve the wider community. The 2011 Chieveley Parish Plan (a document produced with significant community input) identified significant community support for a new burial ground in the Parish, over a thousand residents who responded, supported the proposal.

Likewise, Policy are RSA17 is inconsistent with NPPF 84d). This requires that Planning Policies should support a prosperous rural economy by enabling the development of community facilities. The lack of a policy for the burial ground, and an allocation for housing on the only site suitable for a burial ground is contrary to this policy.

Policy RSA17 is inconsistent with section 11 of the NPPF, which seeks to make effective use of land. Paragraph 119 requires that Planning Policy is so promote an affective piece of land in meeting the need for homes and safeguarding and improving the environment and ensuring safe and healthy living conditions. The site shape and frontage would support well over twenty dwellings. An allocation of 15 units is not making effective use of land of this site of 1ha+. NPPF124 b), at 15dph this is below an acceptable density and does not optimise use of the site. The housing site needs to be reduced in size by allocation of the northern section as a burial ground as shown on the attached alternative plan.

The policy RSA17 is not consistent with National Policy as set out in National Planning Policy Framework (NPPF) the Council’s own evidence confirms that the site will have a negative landscape impact on the AONB, as set out in the SA. This is inconsistent with NPPF 176 which requires great weight to conserve and enhance landscape and scenic beauty in the AONB.

Policy RSA17 is not consistent with National Policy in NPPF176 as access to the site as proposed multiple access points (item b in the policy) and as shown on the policy map would result in the almost entire loss of the frontage ancient, banked hedge on East Lane to achieve visibility and the footpath described at (c), this would harm the natural beauty of the AONB. In addition, it is not consistent with NPPF180 as the effect of the policy would destroy an ancient hedgerow creating significant harm to biodiversity if the site were developed as shown on the policy map and described in the policy text.

Policy RSA17 is not consistent with NPPF 195. The development of the site could harm the settings of three listed buildings namely Old House, Tudor Cottage and Coombe House. It would also impact the setting of the Chieveley conservation area. This is confirmed in the Council’s own evidence in the SA which states:

“Development has the potential to result in harm to the listed Old House and the setting of Tudor Cottage and Coombe House”. The policy wording “(g) development, design and layout will be further informed by heritage impact assessment”. The allocation of the whole site for residential development, given potential harm to heritage is not justified. Given advice in the SA as there has been no assessment of impact on heritage assets, more protection is required for the heritage assets as set out in the alternative policy wording.

### 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:

No comment

### 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.

An alternative policy is required to overcome the tests of soundness.

The new policy wording should be as follows:

**Land at Chieveley Glebe, Chieveley (site Ref CHI23)**

**The site showing on the map is proposed to be allocated for a community burial ground (for circa 200 burial plots) and for residential development of up to 15 dwellings. The site will be accessed from a single point of access which will serve both the proposed dwellings and burial-ground which will have a small informal carpark to accommodate 10 cars that could also serve overspill from the Downland General Practice. 15 dwellings will be located to the east of the site and will front East Lane but will be served by a single slip-road to protect the integrity of the ancient hedge and trees along the frontage, which will be retained. The large Sycamore to the west of the site will be retained. A footway will be located inside the hedge boundary. Significant screening in the form of a new biodiversity corridor to the north of the site shall be planted to protect long views and the settings of the adjacent listed buildings, this**

**screen planting shall be between 6 - 10 m in depth along entire rear boundary of the site and will provide an area for biodiversity net gain. Dwellings will be single storey to protect long views on this ridge site to protect the natural beauty of the AONB.**

**The following parameters will apply:**

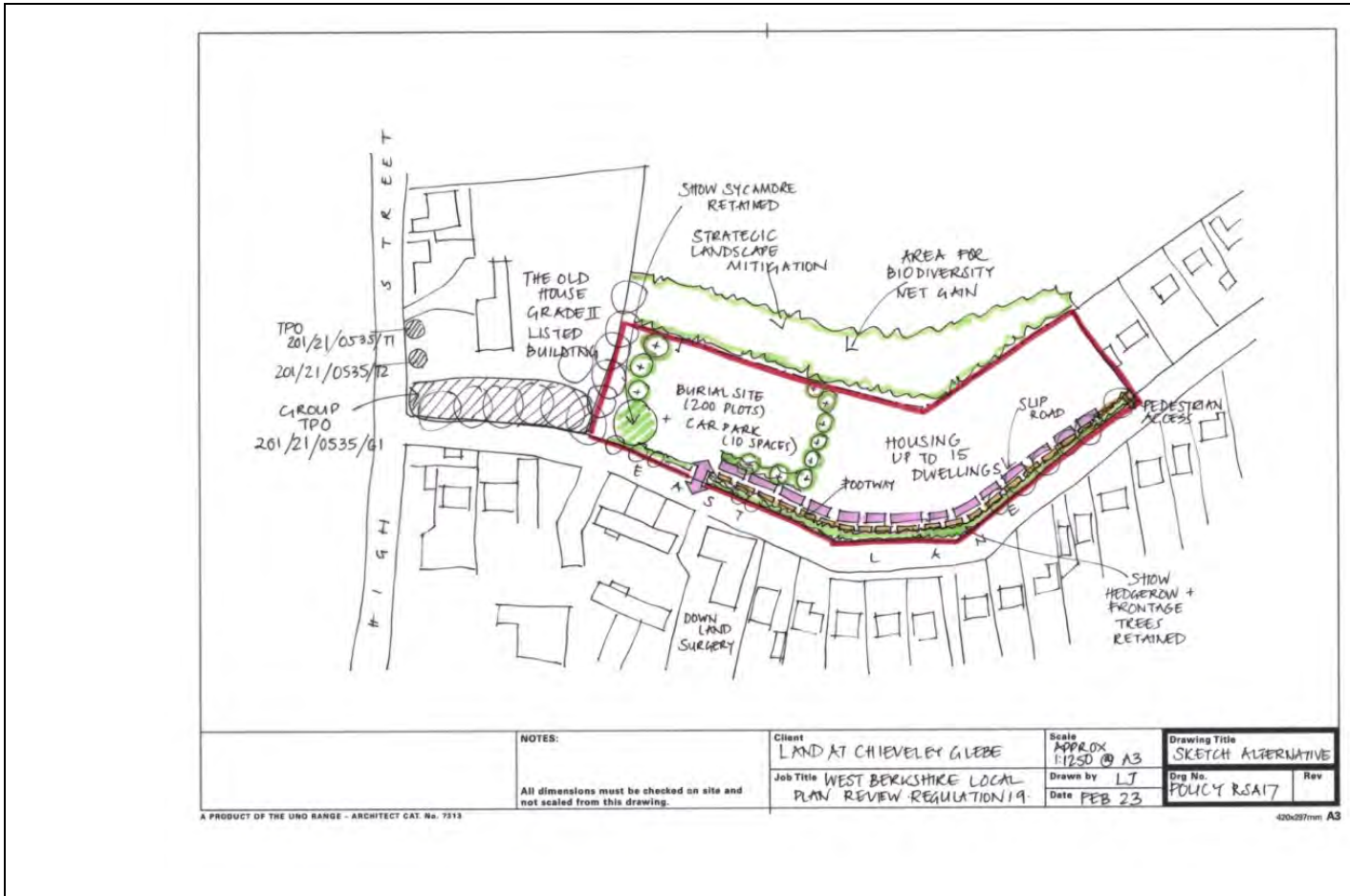
- a) Single point of access from East Lane with a- visibility splay of 2m x 43m to a slip road to serve the whole development.**
- b) A footway will be located inside the site behind the existing hedge**
- c) Additional pedestrian access points may be made to East Lane where the existing trees and hedge is not compromised**
- d) Traffic calming pinch point with/ crossing point installed on East Lane to connect new footway from the site with existing path to the west of site (south of East Lane)**
- e) Sustainable Travel measures will be set out in a travel pack**
- f) The detailed design will be informed by an LVIA**
- g) The scheme will be informed by an ECIA**
- h) The scheme will be informed by a Heritage Impact Assessment**
- i) The site will need to demonstrate nutrient neutrality**
- j) The development will need to deal adequately with both surface and foul water**
- k) A noise survey would be required as part of a planning application**

The attached diagram (or similar) should replace the current policy map to ensure that the development solution achieves the right balance of uses on the site, achieves strategic landscape mitigation and visual containment to the north, and achieves protection of the frontage hedge.

Furthermore, the plan shows how the setting of the Old House (Grade II listed building) will be protected by additional planting on the west of the site and retention of the 100year + Sycamore.

The alternative plan shows how access will be achieved by a single point serving a slip way to protect the ancient hedge. A footway adjacent

This alternative plan would support a sound policy for the site, as the current plan and policy wording have not planned positively for the settlement and would not achieve a well-designed place so would not be consistent with NPPF 127, as the plan does not set out a clear vision for the site and has not included the community requirements for the design policy on this site as expressed both by local residents and the Parish Council.



### 5. Independent Examination

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

Yes

No

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

The oral examination will allow my clients to explain why the policy is unsound as presently drafted and explain how the policy is not compliant with national policy. The examination will allow my clients to present the sound alternative policy that meets the proper definition of sustainable development and meets the requirements of the NPPF where local communities influence development outcomes to make them more acceptable.

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	X
The publication of the report of the Inspector appointed to carry out the examination	X
The adoption of the Local Plan Review	X



*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.*

<b>Signature</b>	<i>L A Jackson</i>	<b>Date</b>	<b>17 February 2023</b>
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**Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.**



**NOTES:**

All dimensions must be checked on site and not scaled from this drawing.

**Client**

LAND AT CHIEVELEY GLEBE

**Job Title**

WEST BERKSHIRE LOCAL PLAN REVIEW REGULATION 19.

**Scale**

APPROX 1:1250 @ A3

**Drawn by**

LJ

**Date**

FEB 23

**Drawing Title**

SKETCH ALTERNATIVE

**Drg No.**

POLICY RSA17

**Rev**