

Statement of Common Ground in relation to Local Planning Policy Changes

Appeal references: APP/W0340/W/24/3346878 (Appeal A) and APP/W0340/C/24/3351139 (Appeal B) (LPA reference 23/02984/FUL).

Appeal Site: Land to the south of Brimpton Lane, Brimpton Common, RG7 4RS (Appeal A)

Land south of Brimpton Lane and west of Blacknest Lane, Brimpton Common, Reading (Appeal B)

Description of development: change of use of land to Gypsy/Traveller site comprising the siting of 1 mobile home and 1 touring caravan (Appeal A).

Alleged breach of planning control: without planning permission, the material change of use of the land by the stationing of a mobile home for residential use (the 'unauthorised development') (Appeal B).

This Statement of Common Ground (SoCG) is an addendum to the agreed SoCG (24th October 2024), and provided in response to the Inspector's CMC note of 29th October 2024, in respect of paragraph 26 b).

As far as agreeing common ground the parties agree that the following Main Modifications are proposed to the policies affecting the appeal (see Council papers for Main Modifications consultation [here](#)). The Local Plan Review is still at examination, where the next stage is consulting on the Main Modifications, scheduled between Friday 6th December and Friday 31st January 2025. The Inspector will then write his final report once the responses to that consultation has been considered.

The Council's position - To this end, the Local Plan Review, incorporating the Main Modifications, has limited weight.

The BCRG position – The BCRG were first provided with details of the main modifications to the policies affecting the appeal at lunchtime on 28 November 2024 (although incomplete), with further modifications provided on 29 November 2024, just one working day before the updated SoCG must be submitted. The BCRG, as a Residents Group, have not been able to give proper consideration to this issue or take professional advice upon it within this timescale. Accordingly, the BCRG are unable to agree the Council's revised position that "limited weight" should be given to the Local Plan Review as a whole at this stage but will provide a more detailed position to the Inspector as soon as possible. The BCRG will set out within their proofs any reasons why weight should be afforded to relevant policies according to paragraph 48 of the Framework. The BCRG reserves the right to provide the Inquiry with an updated position on emerging policies depending on any change of circumstances.

The Appellant's position - The appellant agrees with the LPA that the Local Plan Review, incorporating the Main Modifications, has limited weight.

The Main Modifications Schedule is available [here](#), and is scheduled on the Council agenda for 28th November, with a recommendation to proceed to consultation. No Main Modifications are proposed to Policy SP8 Landscape Character (this policy will supersede Core Strategy Policy CS19), Policy SP23 Transport (this policy will supersede Local Plan Policies TRANS1a, TRANS1, TRANS3; and Core Strategy Policy CS13), or Policy DM14 (this is a new policy).

West Berkshire Local Plan Review (LPR) 2022-2039

Schedule of Proposed Main Modifications (MM) - November 2024

The Main Modifications below are expressed in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text.

Policy SP1 Spatial Strategy

MM3

Amendments to the following settlement boundaries as referenced in fourth paragraph:

- *Chieveley – to ensure consistency with the Settlement Boundary Review Criteria (as shown in the Schedule of Proposed Changes to the Policies Map (PMC1))*
- *Newbury – to reflect amendment to allocated site boundary of Sandford Park (as shown in the Schedule of Proposed Changes to the Policies Map (PMC2))*
- *Pangbourne - to reflect new site allocation at Land north of Pangbourne Hill (as shown in the Schedule of Proposed Changes to the Policies Map (PMC3))*
- *Thatcham – to reflect modifications to policy SP17, the inclusion of Colthrop Industrial Estate and the new site allocations at Henwick Park and Land east of Regency Park Hotel (as shown in the Schedule of Proposed Changes to the Policies Map (PMC4))*
- *Tilehurst – to reflect new site allocation at Pincents Lane and the inclusion of the Pincents Lane Retail Park. (as shown in the Schedule of Proposed Changes to the Policies Map (PMC5))*

Amend sixth paragraph of the policy as follows:

'In making optimum use of land and achieving high quality design Density on individual sites will vary according to their location and context, size of developable area and site specific issues such as shape and access:

- Within Newbury, Thatcham, Tilehurst, Purley on Thames, and Calcot, developments are expected to secure a net density of at least 35 dwellings per hectare with densities of at least 70 dwellings per hectare in town centres and for flatted developments along main transport routes and close to transport nodes.
- Within other defined settlements developments are expected to secure a net density of at least 30 dwellings per hectare with higher densities achievable in the centres of Hungerford, Pangbourne and Theale.
- Developments on the edge of defined settlements are generally expected to secure a net density of 30 dwellings per hectare outside of the AONB, and 20 dwellings per hectare within the AONB.
- ~~However,~~ Lower density developments will be appropriate in certain areas of the District that are particularly sensitive to the impact of intensification and redevelopment. This may be because of the prevailing character of the area, the sensitive nature of the surrounding countryside or built form, and/or the relative remoteness from public transport.'

Amend the policy under 'Eastern Area' sub-heading as follows:

'Eastern Area

The Eastern Urban Area will continue to be a focus for housing development through existing commitments, allocated sites and regeneration and change in the existing built up area.

The individual identities of the separate settlements within this area will be maintained and the high quality landscape and environmental assets in this part of West Berkshire will be conserved and enhanced.

Theale will be a focus for additional housing through existing commitments and allocated sites ~~new allocations~~.

The area will continue to be important for business development with the retention of DEAs.'

**Policy SP3 Settlement Hierarchy
MM6**

Amend the policy as follows:

'Urban Areas:

b) Strategic and non-strategic sites allocated for housing and economic development through other policies in the LPR and/or neighbourhood plans.

Rural Service Centres:

f) Non-strategic sites allocated for housing and economic development through other policies in the LPR and/or neighbourhood plans

Service Villages:

i) Non-strategic sites allocated for housing and economic development through other policies in the LPR and/or neighbourhood plans'.

Insert new paragraph at the end of the policy as follows:

'Neighbourhood plans can allocate non-strategic sites for development. These must be located either within and/or adjoining the settlement boundaries of Urban Areas, Rural Service Centres and Service Villages. Strategic site allocations cannot be made within neighbourhood plans.'

Policy SP4 'Atomic Weapons Establishment (AWE) Aldermaston and Atomic Weapons Establishment (AWE) Burghfield (this policy will supersede Core Strategy Policy CS8)

MM8 Amend policy wording

~~Within the Office for Nuclear Regulation (ONR) land use planning consultation zones surrounding AWE Aldermaston and AWE Burghfield development will be managed in the interests of public safety, and to ensure that any proposed developments do not adversely affect the defence related operation or capability of the AWE sites. pose an external hazard to the AWE sites, any new development of a type more particularly described in the table below¹ located in the Detailed Emergency Planning Zone (DEPZ) of AWE Aldermaston and AWE Burghfield is likely to be refused planning permission by the Council, especially when the Office for Nuclear Regulation (ONR) and/or Ministry of Defence (MoD) have advised against that development and/or object.~~

~~Development proposals within the land use planning consultation zones that pose an unacceptable risk to the operation of the AWE Off-Site Emergency Plan (OSEP) and/or adversely affect the defence related operation or capability of the AWE sites will be refused planning permission.~~

~~In determining applications, the ONR and AWE/MOD will be consulted on development proposals applications for new development in the Detailed Emergency Planning Zone (DEPZ), Outer Consultation Zone (OCZ) and any other 12km consultation zone as detailed on ONR website which meets the ONR consultation criteria as detailed on the ONR website described in the table below (as may be amended by the ONR from time to time).~~

~~Development within the DEPZ is likely to be refused planning permission where the ONR, as regulator of the nuclear licensed sites, advise against the proposed development.~~

~~For development proposals in the DEPZ and OCZ for each of AWE's, consideration will be given as to how the proposed development would impact on the AWE Off-Site Emergency Plan and supporting documents.~~

Development within the Itation Zones: Office for Nuclear Regulation

AWE Aldermaston (AWE A)		AWE Burghfield (AWE B)
Zone	Development Type	
DEPZ	<p>Any new development, re-use or re-classification of an existing development that could lead to an increase in residential or non-residential populations thus impacting on the off-site emergency plan.</p> <p>Any new development, re-use or re-classification of an existing development that could pose an external hazard to the site.</p>	
OCZ	<p>Any new residential development of 200 dwellings or greater.</p> <p>Any re-use or re-classification of an existing development that will lead to a material increase in the size of an existing development (greater than 500 persons).</p> <p>Any new non-residential development that could introduce vulnerable groups to the OCZ.</p> <p>Any new development re-use or re-classification of an existing development that could pose an external hazard to the site.</p>	
12km zone	<p>A circular zone of 12km radius around all nuclear sites, for certain types of significant development due to the potential for such developments to pose an external hazard to sites.</p>	

ONR's website provides non-exhaustive examples of the types of developments that could pose an external hazard to a nuclear licensed site and the examples of the type of developments ONR would expect to be consulted on.

The maps set out in Appendix 3 provide the mapping information, as at March 2020 in relation to the DEPZs, OCZs (5km) and the 12km consultation zones for each AWE site as per the ONR consultation criteria.

SP4 Atomic Weapons Establishment (AWE) Aldermaston and Atomic Weapons Establishment (AWE) Burghfield

MM9 Amend the supporting text:

4.36 There are two nuclear licensed sites located in West Berkshire, the Atomic Weapons Establishment in Aldermaston (AWE A) and in Burghfield (AWE B). These are operated by AWE plc on behalf of the Ministry of Defence and regulated by the Office of Nuclear Regulation (ONR) (as well as other regulators).

- 4.37 Both AWE sites are ~~core~~ critical to sustaining the UK government's nuclear deterrent and support national defence and security.
- 4.38 There are hazards associated with the authorised use of these sites including conventional chemicals, explosives and radiation sources. As a result of the quantities and types of material involved, the sites are also regulated under the following key legislation:
- a. The Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPPPIR). Both sites fall within the scope of REPPPIR legislation. The regulator for these sites is the ONR.
 - b. Control of Major Accident Hazards Regulations 2015 (COMAH). Under these regulations AWE A is a Lower Tier COMAH site. The joint regulators for this site are the ONR and the Environment Agency (EA). AWE B does not fall under the COMAH regulations at the present time (2022).
 - c. Explosive Regulations 2014. Both AWE A and AWE B sites have explosives on site and AWE plc holds an explosives licence for both sites. The regulator is the ONR.
 - d. Environmental Permitting (England and Wales) Regulations 2016 (EPR). Both sites generate and dispose of radioactive wastes. The regulator is the EA.

4.39 The NPPF outlines that states at paragraph 45: "Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them."

4.40 Furthermore, the NPPF ~~at paragraph 95 states:~~ requires planning policy to

"Planning policies and decisions should promote public safety and take into account wider security and defence requirements. It requires that operational defence sites are not affected adversely by the impact of other development proposed in the area, and that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. by:

~~*i. anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and*~~

~~*ii. recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area."*~~

~~4.41 Paragraph 97(b) (ensuring that operational defence and security sites are not adversely affected by the impact of other development in the area) is complemented by paragraph 187 of the NPPF which provides, amongst other things, that “planning policies and decisions should ensure that new development can be integrated effectively with existing businesses...” and that existing businesses “should not have unreasonable restrictions placed on them as a result of development permitted after they were established”.~~

~~4.42 These national policies should be read alongside other relevant policies relating to economic development within the LPR.~~

~~4.43 The NPPF defines major hazard sites, installations and pipelines as: ‘Sites and infrastructure, including licensed explosive sites and nuclear installations, around which Health and Safety Executive (HSE) (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply.’~~

~~4.44 The preface to the guidance accompanying REPPiR 2019 states: “The provisions in REPPiR have been developed with consideration of provisions in the Control of Major Hazards Regulations 2015 (COMAH) [10] and the Pipelines Safety Regulations 1996 [11] to maximise emergency preparedness consistency between Regulations for major hazards sectors.”~~

~~4.45 Nuclear installations which are regulated by REPPiR present a potential major hazard as a result of the quantities of radioactive materials on the site.~~

~~4.46 Under the REPPiR 19 legislation a Detailed Emergency Planning Zone (DEPZ) must be determined by the local authority where the relevant nuclear site is situated., For the AWE sites this is West Berkshire District Council. This process was undertaken in 2019 and reviewed in 2023. Under legislation formal reviews of the DEPZ are required to be undertaken at least every three years or as a result of a material change in work with ionizing radiation. As such, the extent of the DEPZs shown in Appendix 3 and on the Policies Map could change before the Local Plan is updated or superseded. Policy SP4 will be applied to the latest version of the DEPZ.~~

~~4.47 The DEPZ determination process, including the data behind the information provided in the Consequence Report prepared and issued by AWE, in 2019, was subject to an unsuccessful Judicial Review brought against the Council.~~

~~4.48 The DEPZ for the AWE sites is the geographic area that in respect of which the AWE Off-Site Emergency Plan (OSEP) covers. The AWE OSEP must set out protective actions which would be implemented without delay to mitigate the likely consequences of a radiation emergency, must have detailed plans in place and the Council, along with the other agencies involved in the AWE OSEP Off-Site Emergency Plan, must be able to respond effectively. The regulators therefore require assurances that the AWE Off-Site Emergency Plan OSEP, owned by the Council, is adequate and can be implemented effectively in order to protect the public.~~

4.49 The OCZ and 12km land use planning consultation zones for the AWE sites are determined by the ONR and extends from a geographical centre point on each AWE sites. During the plan period there may be changes to the REPIR legislation and/or in the inputs to the ONR's process which may result in consequential changes to the land use planning consultation zones or consultation criteria, which in turn could result in changes to ONRs advice on particular proposals. These will be kept under review and policy SP4 will be applied to the latest version of the ONR Guidance/Zones.

~~4.50 The DEPZs and OCZs for the AWE sites cross over into the following neighbouring councils: Basingstoke and Deane Borough Council, Reading Borough Council, and Wokingham Borough Council (see further below).~~

4.51 In respect of both AWE sites, the ONR and AWE/MOD is will be consulted on any planning applications for new development within the DEPZ, the OCZ and the 12km zone ~~(and any other consultation zone determined by the ONR from time to time)~~ which meet the consultation criteria as set out within the policy on the ONR website. ~~These d Developments within these zones may have an adverse impact on~~ pose an unacceptable risk to the viability and operability of the AWE OSEP Off-Site Emergency Plan and/or pose an external hazard to, adversely affect the defence related operation or capability of the nuclear licensed sites, and advice will be provided to the Local Planning Authority accordingly.

~~4.52 The ONR provides advice to the local planning authorities on planning applications for developments around the AWE nuclear licensed sites. This advice seeks to limit the radiological public health consequences to members of the public in the event of a radiation emergency and to ensure that the developments do not pose an external hazard to the sites.~~

~~4.53 Given the potential cumulative effects of any population increase surrounding the AWE sites, it will be necessary to monitor committed and future approved but not built development in partnership with neighbouring councils. The councils will monitor planning completions and commitments as part of the Annual Monitoring Report and send this information directly to the Emergency Planning Services in each council and the ONR for them to make informed judgements when assessing future development proposals.~~

4.54 The ONR's decision making process is detailed on its website. The ONR will normally advise against a particular development should they not receive adequate assurance from the owner of the Off-Site Emergency Plan that the development can be accommodated within the AWE OSEP that Plan. As a result, the ONR will consider feedback provided by West Berkshire District Council Emergency Planning Service, as the Plan AWE OSEP owner under REPIR. This feedback is often based on wider consultation with the AWE Off-Site Planning Group (a group of responding local, regional and national agencies). Should it be considered by the responding agencies that there would be an unacceptable risk to the AWE OSEP, Off-Site Emergency Plan (the Plan) would be adversely affected with no viable and sustainable mitigation options available, such that the OSEP Plan would not be able to accommodate the development and therefore protect public health, then as the policy makes clear that planning permission will be refused. normally West Berkshire

~~District Council Emergency Planning Service would submit advice against the development against the development to the local planning authority and inform the ONR. Consideration will be given taking into account the Guidance currently under development.~~

Applicants considering development proposals within the land use planning consultation zones are strongly encouraged to enter into discussions with the Council at an early stage to establish if there are likely to be any implications on the OSEP as a result of the proposals.

The land use planning consultation zones for the AWE sites cross over into the following neighbouring councils: Basingstoke and Deane Borough Council, Reading Borough Council, and Wokingham Borough Council. The Council will monitor committed and future development proposals in partnership with neighbouring councils, those agencies with duties under REPPiR, and the ONR to understand the impact on the OSEP and the operation of AWE.

~~4.55 The ONR will provide advice for developments that potentially pose an external hazard to the AWE sites.~~

~~4.56 Policy SP4 reflects the Council's intention to normally follow the ONR's advice in the ONR's consultation zones.~~

~~4.57 During the plan period there may be changes in the inputs to the ONR's process which may result in consequential changes to the consultation zones or criteria. These will be kept under review.~~

~~4.58 During the plan period there may also be changes to the DEPZ as a result of the requirement under REPPiR legislation to undertake formal reviews of the DEPZ at least on a 3-yearly basis or because of a material change in work with ionizing radiation. This may result in the DEPZ for either AWE site remaining the same, extending or reducing in size and geography over time. These will be kept under review.~~

SP7 Design Quality
MM12

Amend paragraph 5.30 h) as follows:

'h. Homes and buildings – New development should be designed to be functional, healthy and sustainable, and all residential development should comply with the nationally described space standards, as set out in the Technical Housing Standards (2015) or as superseded, ~~in line with Policy DM30~~. New development ...'

SP9 Historic Environment MM13 (policy body)

Amend first paragraph of the policy as follows:

Positive action will be taken to ensure that opportunities for the conservation and enjoyment of the historic environment are maximised. For example, this will include, but not be limited to:

- producing conservation area appraisals and management plans;
- maintaining a local list of non- designated heritage assets; and
- maintaining a list of local heritage assets which are at risk, but which do not meet the criteria for inclusion on the national Heritage at Risk Register.

The historic character, sense of place, environmental quality and local distinctiveness of West Berkshire will also be sustained and enhanced through new development, including promoting heritage-led regeneration where appropriate and delivering public benefits from the District's archaeological resources.
Development.....

Amend second paragraph as follows:

Development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to maximise opportunities to preserve, enhance, or better reveal the asset's significance, including the contribution to that significance made by and/or its setting, and make a positive contribution to local character and distinctiveness through high standards of design in accordance with Policy SP7.

Amend third paragraph as follows:

Weight will be given to the conservation of the District's heritage assets in a manner according to their importance. Any harm to the significance of a designated or non-designated heritage asset must be justified. All proposals affecting

Amend fourth paragraph as follows:

~~Weight will be given to the conservation of the District's heritage assets in a manner according to their importance. Any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals will be weighed against the public benefits of the proposal: whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset.~~

Amend fifth paragraph as follows:

Development which would lead to substantial harm to, or loss of, the significance of a designated heritage asset, including the contribution to that significance made by or its setting will not be permitted, unless – ...

- j. No viable use of the asset can be found in the medium term through appropriate marketing that will enable its conservation; and
- k. Conservation by grant funding or some ~~other~~ form of not for profit, charitable or public ownership is demonstrably not possible, and

Amend sixth paragraph as follows:

Development which would lead to less than substantial harm to the significance of a designated heritage asset, including the contribution to that significance made by or its setting will ~~not be permitted, unless this harm is outweighed by~~ be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

Delete eighth paragraph as follows:

~~Development proposals for enabling development which would otherwise conflict with other policies in the Local Plan but which would secure the future conservation of a heritage asset will be permitted where:~~

- ~~i. the proposals will not materially harm the heritage value of the asset or its setting;~~
- ~~ii. it can be demonstrated that alternative solutions have failed;~~
- ~~iii. the proposed development is the minimum necessary to protect the significance of the heritage asset;~~
- ~~iv. it meets the tests and criteria set out in Historic England guidance GPA4: Enabling Development and Heritage Assets;~~
- ~~v. it is subject to a legal agreement to secure the restoration of the asset prior to completion of the enabling development; and~~
- ~~vi. it enables public appreciation of the saved heritage asset.'~~

MM14 Historic Environment (supporting text)

Amend paragraph 5.45 as follows:

5.45 'The policy gives ~~great~~ weight to conserving the significance of heritage assets and their settings in a manner according to their importance. Heritage assets include any valued component of the historic environment, be it a building, monument, site, place, area or landscape, identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and assets identified as ~~by the Council~~, 'non-designated' heritage assets.

Amend first sentence of paragraph 5.54 as follows:

5.54 Development proposals likely to affect the significance of a designated or non-designated heritage asset, including the contribution to that significance made by or its setting, are required to demonstrate a thorough understanding of context, the significance of the asset and any potential impacts on that significance through the preparation of a proportionate heritage statement.

Delete paragraph 5.57 as follows:

~~5.57 The long-term conservation of a small minority of heritage assets can sometimes present particular problems. Enabling development is a planning mechanism which, in extreme cases, permits a departure from planning policies in order to enable the conservation of a relevant heritage asset in cases where the future of that asset would not otherwise be secured. Where planning applications propose enabling development, the Council will use the detailed and rigorous tests set out by Historic England in order to determine whether planning permission would be appropriate.~~

Move paragraph 10.81 from the supporting text of policy DM9 to add to the supporting text of policy SP9 instead as follows:

'The Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the District's 53 Conservation Areas. As part of this duty and as part of its strategy to maximise opportunities for the conservation and enjoyment of the historic environment the Council is undertaking a phased programme of Conservation Area Appraisals (CAAs), in partnership with the West Berkshire Heritage Forum. As well as helping to define what is special about a particular Conservation Area, the project will provide local communities with an understanding of how and why Conservation Area status is appraised, designated, and applied in future development and conservation management decisions. This will help communities better engage with the management of change in their area, allowing them to more effectively champion the significance and values of local heritage. The project has involved the setting up of a Conservation Area Working Group, which has developed a 'Toolkit', which contains a variety of guidance, list of resources, and an appraisal report template, to assist parish councils and volunteers in undertaking a Conservation Area Appraisal and Management Plan.'

**Policy SP10 Green Infrastructure (this policy will supersede Core Strategy
Policy CS18)
MM15**

Amend criterion o as follows:

'Provide undeveloped buffer zones ~~strips~~ of vegetation along the banks of water courses in accordance with policy SP6.'

Policy SP11 Biodiversity and Geodiversity – note both MM16 and MM17 primarily deal with the changes to national policy concerning BNG. MM16 (this policy will supersede Core Strategy Policy CS17)

Amend the policy as follows:

'Development proposals will be required to demonstrate how they conserve and enhance biodiversity and/or geodiversity including their long-term future management and where required, deliver a ~~minimum 10%~~ Biodiversity Net Gains....

Amend criterion d as follows:

'd. Provides or retains appropriate at least 10m buffer zones between development proposals and designated sites.....'

~~**Biodiversity Net Gain** All proposals should demonstrate a minimum biodiversity net gain of 10% via a Biodiversity Net Gain Plan using the most up to date biodiversity accounting metric developed by Natural England and provide details of the long-term maintenance and management of the net gain. This should be delivered on site in the first instance, or through biodiversity off setting where appropriate. Major developments in particular must include measures to deliver biodiversity gains through opportunities to:~~

- ~~u. Restore and enhance existing features on site;~~
- ~~v. Create additional habitats and ecological networks on site which help support the District's wider ecological network; and~~
- ~~w. The linking of existing habitats within West Berkshire to create links between ecological networks and where possible, with adjoining features.~~

**Policy SP11 Biodiversity and Geodiversity
MM17**

Amend paragraph 5.86 of supporting text as follows:

5.86 ~~'Paragraph 174 of the NPPF highlights the need to provide net gains for biodiversity by establishing coherent ecological networks that are more resilient to current and future pressures. The Council will deliver Biodiversity Net Gain in line with the latest national guidance and the Environment Act 2021. Biodiversity Net Gain (BNG) can be defined as "Development that leaves the environment in a measurably better state than beforehand" (DEFRA, 2018). In England, BNG is mandatory under [Schedule 7A of the Town and Country Planning Act 1990 \(as inserted by Schedule 14 of the Environment Act 2021\)](#). BNG is part of the mitigation hierarchy and applicants for planning permission will be required to demonstrate that they have made all reasonable efforts to avoid losses of significant habitats and to mitigate any significant effects on biodiversity before demonstrating how the legally required BNG will be delivered. BNG will be achieved through a combination of retaining important features of the site and by making on site and off-site biodiversity enhancements to ensure an overall measurable minimum 10% net biodiversity gain is achieved, which contributes to restoring and enhancing the wider ecological networks and biodiversity of the District. To achieve net gain, a development must have a higher biodiversity unit score after development than before development~~

(except where exemptions apply). The most up to date Natural England statutory Biodiversity Metric should be used to allow the assessment of assess biodiversity impact losses of a planning proposal given development, and where necessary appropriate the size of contribution required to offset the ecological impact of biodiversity loss from that development and deliver the additional 10% minimum net gain. The Council will deliver Biodiversity Net Gain in line with the latest national guidance and the Environment Act 2021. Applicants will need to submit a Biodiversity Gain Plan (including the completed Metric calculator) to demonstrate how the required net gain is to be delivered and to enable the local planning authority to discharge the statutory condition. Development cannot commence until the Biodiversity Net Gain plan has been approved and the condition discharged.

The Environment Act 2021 requires that any on-site or off-site biodiversity net gain must be secured for a minimum of 30 years. Applicants will therefore need to demonstrate how the proposed BNG will be delivered and managed over that period of time. The Council will require periodic monitoring to assess whether the required BNG is being delivered and will seek appropriate remedial measures where monitoring demonstrates that it is not satisfactorily delivering and maintaining the required target condition. To secure the delivery of significant on-site and off-site BNG over the 30 years period, a legal agreement between the applicants/landowners and the local planning authority will be required. Where applicants propose to use off-site credits to deliver the required net gain in whole or in part, they will need to demonstrate that these credits are from a site registered to provide such credits.'

DM1 Residential Development in the Countryside (this policy will supersede Housing Sites Allocations DPD Policy C1)

MM73 (This amendment for criterion b)

Amend the policy as follows:

'Exceptionally, new residential development outside of adopted settlement boundaries will be permitted. These exceptions are solely limited to development which is appropriately designed and located and which satisfies one or more of the following criteria:

- a. Sites allocated as part of the development plan;
- b. Sites for Gypsies and Travellers and Travelling Showpeople (RSA24, RSA25 and DM20);
- c. Rural exception housing and/or First Homes exception sites (DM16 and DM17);
- d. The conversion of redundant or disused buildings (DM24);
- e. Housing to accommodate rural workers (DM23);
- f. The extension to or replacement of existing residential dwellings (DM25 and DM28);
- g. The subdivision of existing residential dwellings (DM27);
- h. Student or staff accommodation necessary to meet the reasonable needs and operational requirements of existing educational and institutional sites in the countryside (Policy DM38) or
- i. ~~h.~~ Limited residential infill in settlements in the countryside with no defined settlement boundary where:
 - i. It is within a closely knit cluster of 10 or more existing dwellings adjacent to, or fronting an existing highway; and
 - ii. The scale of development consists of infilling a small undeveloped plot commensurate with the scale and character of existing dwellings within an otherwise built up frontage; and
 - iii. It does not extend the existing frontage at either end; and
 - iv. The proposed plot size and spacing between dwellings is similar to adjacent properties and respects the rural character and street scene of the locality.

~~Planning permission will not be granted where a proposal harms or undermines the existing relationship of a settlement within the open countryside, where it does not contribute to the character and distinctiveness of the rural area, including the special qualities and natural beauty of the landscape of the AONB or where development would have an adverse cumulative impact on the environment or highway safety.'~~

**DM10 Listed Buildings
MM82**

Amend second paragraph of the policy as follows:

Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect on the significance and architectural and historic interest of the Listed Building and/or the contributions made by its setting and any curtilage listed features.

Amend third paragraph of the policy as follows:

Unless justified otherwise, ~~D~~development will not be permitted if it would:

Amend fourth paragraph of the policy as follows:

In particular, development should avoid ~~will not be permitted~~ if it would directly, indirectly or cumulatively ~~lead to~~ any of the following:

xi. The removal of historic boundary treatments, ~~;~~
~~unless justified to the satisfaction of the Council, that the proposed changes, loss or irreversible damage, and/or addition of new features to the Listed Building and its setting are:~~

- ~~• Less than substantial in terms of impact/harm on the character and significance of the Listed Building and its setting; and~~
- ~~• Is off-set by the public benefit from making the changes, including enabling optimal viable use, and net enhancement to the Listed Building and its setting. Clear justification for this harm should be set out in full in the Statement of Heritage Significance accompanying the proposals.~~

DM15 Trees, Woodland and Hedgerows
MM84 (policy body)

Amend third paragraph of the policy as follows:

~~'The loss or deterioration of protected trees, groups of trees, woodland or important hedgerows will only be permitted in exceptional circumstances and in accordance with the relevant legislation, policy and good practice recommendations.~~
Development affecting trees protected by a Tree Preservation Order (TPO) must be justified and the impact of the proposal will be assessed on the amenity of the area.
Where these and other protected trees are subject to felling, a replacement of an appropriate number, and size in an appropriate location will be required.'

MM85 (supporting text)

Amend paragraph 10.132 of supporting text as follows:

'10.132 Protected trees includes trees protected by a Tree Preservation Order (whether that be an individual tree, a group of individual trees or a woodland) or those located within a Conservation Area. They also include those hedgerows meeting the criteria of "important hedgerow" in the Hedgerow Regulations 1997 (as amended).'

DM20 Gypsies, Travellers and Travelling Showpeople (this policy will supersede Core Strategy Policy CS7 and Housing Site Allocations DPD Policy TS3)

MM88 (This Main Modification reflects the change in definition of Gypsy and Traveller as set out in the PPTS 2023), outlines the planned supply, and method of meeting the residual need for Gypsies and Travellers.

Amend the supporting text as follows:

‘11.27 Need Gypsy and Traveller sites

~~11.278 Table 7 The following table sets out the need for Gypsy and Traveller pitches up to 31 March 2038, correlating to the study period for the GTAA and for Travelling Showperson plots. For clarity, the cultural and the Planning Policy for Traveller Sites (PPTS) need figures are two different representations of need. The PPTS need based on the PPTS definition of ‘Gypsies and Travellers’, and cultural need, which is defined as those Gypsy and Travellers and Travelling Showpeople who do not travel and identify themselves as part of the Traveller and Travelling Showpeople community.~~

Table 7 Gypsy and Traveller Accommodation Asses identified Need 2021/22 to 2037/38 cultural need/PPTS need

	Cultural Need	Of which PPTS need
5 year Authorised Pitch Shortfall (2021/22 to 2025/26)	13	0
Longer term need		
2026/27 to 2030/31	5	3
2031/32 to 2035/36	9	6
2036/37 to 2037/38	3	2
Longer term need total to 2037/38	17	11
Net Shortfall 2021/22 to 2037/38	30	20

~~Table 8 Travelling Showperson plot requirements 2021/22 to 2037/38~~

	2021/22 to 2025/26	2026/27 to 2037/38	Total
Travelling Showperson plots	20	4	24

Table 7 Gypsy & Traveller Accommodation

<u>Additional permanent pitches required 1 April 2021 to 31 March 2038</u>	<u>30</u>
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<u>Additional permanent pitches planned for 1 April 2021 to 31 March 2023</u>	
• <u>New Stocks Farm, Paices Hill, Aldermaston</u>	<u>8</u>
• <u>Four Houses Corner, Padworth</u>	<u>1</u>
• <u>Ermin Street, Lambourn Woodlands</u>	<u>1</u>
<u>Total pitches planned for 2021-2023</u>	<u>10</u>
<u>Permanent pitches required 1 April 2023 to 31 March 2038</u>	<u>20</u>

11.28 The GTAA 2021, in updating the 2019 study, identifies that there is a residual overall need for 30 permanent pitches between 1 April 2021 and 31 March 2038, considering existing supply on established sites, and accounting for household formation and net in-migration. Taking into account the 10 pitches already planned this leaves a residual need of 20 pitches which are required between 1 April 2023 and 31 March 2038.

11.29 Table 7 sets out the total need for Gypsy and Traveller accommodation. Of the 30 pitches needed to 2038, 13 are required in the short term up to 31 March 2026. 10 pitches have been planned for in the period 1 April 2021 and 31 March 2023. The site at New Stocks Farm, Paices Hill, Aldermaston has been allocated in RSA24 to replace 8 transit pitches with 8 permanent pitches. This takes forward the existing allocation in the Housing Site Allocations Development Plan Document and the recommendations of the GTAA to create permanent pitches. Planning permission (reference 22/00120/FUL) was granted in September 2022 for this use and is yet to be implemented. Since the GTAA was updated Four Houses Corner, a Council operated site in Padworth, had planning permission approved for 17 permanent pitches (reference 23/01552/REG3 approved in April 2024). This represents an increase of 1 pitch above the 16 pitches counted in the GTAA. The permission is yet to be implemented. Also since the GTAA was updated 1 pitch has been provided on land at Ermin Street, Lambourn Woodlands (reference 21/02045/FUL approved in August 2022).

11.30 Table 7 outlines that 20 permanent pitches are required between 1 April 2023 and 31 March 2038. To meet this need the Council is preparing a Gypsy and Traveller Accommodation Development Plan Document. Site allocations will be made in the context of a further update to the GTAA which would follow the repopulation of Four Houses Corner, Padworth. In contributing to meeting the need planning applications will be assessed in accordance with the criteria set out in this policy.

11.31 There is no requirement to identify a site for transit pitches. However, the GTAA 2021 recommends that tolerated stopping places or negotiated stopping places should be provided. The Council will explore this further through the Gypsy and Traveller Accommodation DPD and/or through developing a Council policy to govern this.

11.29 The GTAA identifies a need for four transit pitches, which would accommodate eight caravans.

~~11.30-11.32~~The GTAA does not identify a need for houseboat dwellers and thus the LPR does not provide for any permanent houseboats.

Supply

~~11.31~~ There is an existing private site at New Stocks Farm, Paices Hill, Aldermaston. There are 24 permanent pitches, with 15 transit sites. Policy RSA32 seeks to allocate 8 permanent pitches at Paices Hill, which uses the land used as transit sites. This results in the reduction of 8 transit pitches.

~~11.32~~ There is an existing Council operated site at Four Houses Corner, Reading Road, Upton Nervet, which is due to be refurbished. When it reopens there will be 17 pitches. The updated GTAA is clear that when the site reopens a survey of households is required to determine the long term needs from children and young people living on the site.

~~11.33~~ There are other authorised small private traveller sites in the District.

Travelling Showperson sites

~~11.34~~ ~~11.32~~ There is currently one Showperson's Yard in the District which is located at Long Copse Farm, Enborne. 24 plots are allocated for use by Travelling Showpeople, as defined in the Planning Policy for Traveller Sites, under policy RSA25. The eastern part of the site has an authorised use for Circus headquarters and agricultural holding as a dual use. The allocation would enable a residential and operational base for staff and families associated with the Circus. The 2019 GTAA concludes that there is no additional need for Travelling Showpersons yards and any need that does arise can be addressed on the Long Copse yard.

~~11.35~~ To address the longer term need for Gypsy and Traveller pitches and for transit sites/short term stopping places a Development Plan Document will be prepared. The Local Development Scheme outlines the timetable, with evidence being prepared between February 2023 and December 2025, leading up to adoption by September 2027.'

Appendix 3 AWE land use planning consultation zones MM108

Amend text in Appendix 3 as follows:

3.1 The maps set out below provide the mapping information, as at ~~March 2020~~ January 2023, in relation to the DEPZs, OCZs (5km) and the 12km planning consultation zones for each AWE site as per the ONR consultation criteria.

3.2 The extent of the DEPZs shown in Appendix 3 and the Policies Map could change before the Plan is updated or superseded and policy SP4 will be applied to the latest version of the DEPZ.

**A Minor Amendment is made to Appendix 9 Glossary (please note that the minor amendments are not subject to public consultation)
AMA9.2 in relation to the definition of Gypsies and Travellers**

Amend the definition of Gypsies and Travellers in accordance with the 'Planning Policy for Traveller sites' published in December 2023 as follows:

Annex 1 of the government's 'Planning Policy for Traveller sites' (PPTS, ~~August 2015~~ December 2023) defines, Gypsies and Travellers for the purposes of planning policy as:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) Whether they previously led a nomadic life
- b) The reasons for ceasing their nomadic life
- c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

Travelling Showpeople are defined in the PPTS for the purposes of planning policy as:

"Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers as defined above