

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Re: Consultation on the West Berkshire Local Plan Review 2022-2039 Proposed Main Modifications  
**Date:** 30 January 2025 11:14:27  
**Attachments:** [REDACTED]

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**This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.**

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Please find attached the response from the Woodland Trust.

FYI our response

- supports MM25
- objects to MM84

Best wishes,

Bridget

[REDACTED]

**Bridget Fox**

Regional External Affairs Officer - South East

[REDACTED]



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**From:** PlanningPolicy [REDACTED]  
**Sent:** 06 December 2024 10:05  
**Subject:** Consultation on the West Berkshire Local Plan Review 2022-2039 Proposed Main Modifications

**CAUTION: This email has originated from outside of the Woodland Trust. Please do not click links or open attachments unless you recognise the sender and know the content is safe. Any concerns, please contact the Service Desk for assistance.**

The West Berkshire Local Plan Review 2022-2039 (LPR) is currently being independently examined by a Planning Inspector appointed by the Secretary of State. The Inspector's role is to assess whether the LPR has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements and whether it is sound (positively prepared, justified, effective and consistent with national policy). If the Inspector concludes that the LPR is sound and meets the necessary tests, it can then be adopted by the Council and will form the Local Plan for the District.

The Inspector issued his preliminary findings on 31 July 2024, and a note on the Main Modifications consultation on 24 October 2024. The findings are without prejudice to his final report but set out the Main Modifications he considers are required in order to make the LPR sound. These proposed Main Modifications are now subject to an 8-week public consultation from Friday 6 December 2024 to 31 January 2025.

It is important that any proposed Main Modifications do not undermine the sustainability process that has informed the preparation of the LPR. The Council has therefore updated the Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA), and produced an addendum to the Habitats Regulations Assessment (HRA), both of which accompany the LPR.

We are therefore now inviting representations on the following documents between **Friday 6 December 2024 and 11:59pm on Friday 31 January 2025**:

- Schedule of Proposed Main Modifications to the West Berkshire Local Plan Review 2022-2039 (November 2024)
- Schedule of Proposed Changes to the Policies Map (November 2024)
- Updated Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) Report – Proposed Main Modifications (November 2024)
- Addendum to the Habitats Regulations Assessment (HRA) of the Proposed Main Modifications (November 2024).

All documents relating to the Consultation on Proposed Main Modifications can be viewed electronically on the Council's website at <https://www.westberks.gov.uk/lpr-proposed-main-modifications>.

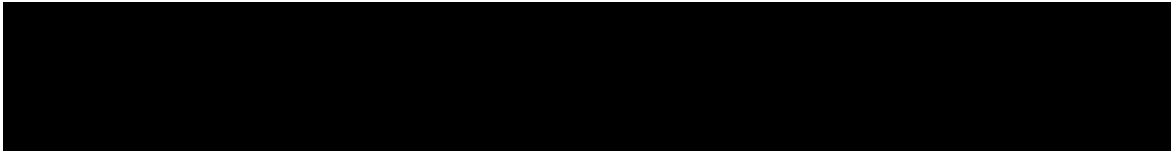
**Please note that representations may only be made in relation to the documents as set out above.** If you previously submitted representations to the earlier consultations on the LPR the Inspector has already considered these during the examination and there is no need to make them again.

**Representations must be received no later than 11:59pm on Friday 31 January 2025.** Late representations cannot be taken into consideration by the Inspector. The Statement of Representations Procedure attached explains where the relevant documents are available for inspection and how your comments should be submitted. I hope this is helpful, but if you require any further information, please do not hesitate to contact the Planning Policy Team on the contact details below:



Yours faithfully,

Clare Lawrence  
Executive Director for Place



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**West Berkshire Local Plan Review 2022-2039 (LPR)  
 Consultation on Proposed Main Modifications  
 (6 December 2024 – 31 January 2025)**

Representation Form

**Ref:**  
 (For official use only)

<b>Please complete and return this form:</b>	<b>By email:</b> [REDACTED]
	<b>By post:</b> Planning Policy, Development and Housing, Council Offices, Market Street, Newbury, RG14 5LD
<b>Return by:</b>	<b>11:59pm on Friday 31 January 2025</b>

Please read the **Guidance Note**, available on the Council’s website <https://www.westberks.gov.uk/lpr-proposed-main-modifications>, before making your representations.

This form has two parts:  
 PART A – Your details  
 PART B – Your representation(s)

Please complete a new form for each representation you wish to make.

<b><u>PART A: Your details</u></b>		
<i>Please note the following:</i>		
<ul style="list-style-type: none"> <li><i>We cannot register your representation without your details.</i></li> <li><i>Representations cannot be kept confidential and will be available for public scrutiny, however, your contact details will not be published.</i></li> </ul>		
	1. Your details	2. Agent’s details (if applicable)
Title	Ms	
First Name*	Bridget	
Last Name*	Fox	
Job title <i>(where relevant)</i>	[REDACTED]	
Organisation <i>(where relevant)</i>	Woodland Trust	
Address* <i>Please include postcode</i>	Kempton Way, Grantham, NG31 6LL	
Email address*	[REDACTED]	
Telephone number	[REDACTED]	
Consultee ID <i>(if known)</i>	[REDACTED]	

\*Mandatory Field

## **PART B – Your representation(s)**

All comments made at previous stages of the LPR have been taken into account by the Inspector and there is no need to resubmit these. Publication of the proposed Main Modifications is a regulatory stage and any representations made should relate specifically to the legal compliance and soundness of the proposed Main Modifications and should not relate to parts of the Plan that are not proposed to be modified.

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change.

Your name or organisation (and client if you are an agent):	Bridget Fox, Woodland Trust
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### **Proposed Main Modifications and Proposed Changes to the Policies Map**

**1. Please indicate whether your representation relates to the Schedule of Proposed Main Modifications or the Schedule of Proposed Changes to the Policies Map and provide the modification/change number you are commenting on below:**

Document name	<b>Schedule of Proposed Main Modifications</b>
Modification/Change reference number (MM / PMC)	<b>MM25</b>

**2. Do you consider the Proposed Main Modification or Proposed Policy Map Change to be:**  
(please tick/mark 'X' one answer for a and one for b)

- a) **Legally compliant**                      Yes                       No
- b) **Sound**                                      Yes                       No

*Please refer to the guidance notes for a full explanation of 'legally compliant' and 'soundness'*

**If you consider the Proposed Main Modification or Proposed Policy Map Change not to be sound, please identify which test of soundness your representation relates to:**  
(please tick/mark 'X' all that apply)

<b>Positively Prepared:</b> The LPR should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements.	
<b>Justified:</b> the LPR should be the most appropriate strategy, when considered against the reasonable alternatives	
<b>Effective:</b> the LPR should be deliverable	
<b>Consistent with national policy:</b> the LPR should enable the delivery of sustainable development in accordance with the policies of the NPPF	

**3. If you have answered ‘No’ to question 2a or 2b above, please provide details of why you consider the Proposed Main Modification or Proposed Policy Map Change is not legally compliant or is unsound, including any changes you consider necessary to make the Plan legally compliant or sound.**

*You will need to say why this change will make the Local Plan Review 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 support the new wording requiring “*Conservation of the areas of ancient woodland by providing appropriate buffers between the development and the ancient woodland*” and consider this to be legally compliant and sound

The Woodland Trust previously objected to SP17 North East Thatcham Strategic Site Allocation, on the basis that the site is adjacent to the following areas of ancient woodland.

- The plantation (SU52056829) ASNW 2.92 Ha
- Hartshill Copse (SU52706889) ASNW 22.82 Ha
- Unnamed (SU53236822) ASNW 1.08 Ha • Unnamed (SU53346802) PAWS 2.01 Ha
- Long Grove Copse (SU53646771) ASNW 18.02 Ha
- Blacklands Copse (SU54216798) PAWS 27.63 Ha

These areas require protection in line with the NPPF but there was no specific wording to address this in the policy. We therefore welcome and support the proposed amended wording to include requirement for appropriate buffers for the adjacent ancient woodland.

We also support the revised wording “*A Green Infrastructure Strategy to show how the network of multifunctional green infrastructure will be delivered across the site to include a strategy for the protection of existing and provision of new trees, hedgerows and other appropriate native planting.*”

**Proposed Main Modifications and Proposed Changes to the Policies Map**

**1. Please indicate whether your representation relates to the Schedule of Proposed Main Modifications or the Schedule of Proposed Changes to the Policies Map and provide the modification/change number you are commenting on below:**

Document name	Schedule of Proposed Main Modifications
Modification/Change reference number (MM / PMC)	<b>MM84</b>

**2. Do you consider the Proposed Main Modification or Proposed Policy Map Change to be:**  
*(please tick/mark ‘X’ one answer for a and one for b)*

- a) **Legally compliant**                      Yes                       No
- b) **Sound**                                      Yes                       No

*Please refer to the guidance notes for a full explanation of ‘legally compliant’ and ‘soundness’*

**If you consider the Proposed Main Modification or Proposed Policy Map Change not to be sound, please identify which test of soundness your representation relates to:**  
*(please tick/mark 'X' all that apply)*

<b>Positively Prepared:</b> The LPR should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements.	
<b>Justified:</b> the LPR should be the most appropriate strategy, when considered against the reasonable alternatives	
<b>Effective:</b> the LPR should be deliverable	
<b>Consistent with national policy:</b> the LPR should enable the delivery of sustainable development in accordance with the policies of the NPPF	<b>x</b>

**3. If you have answered 'No' to question 2a or 2b above, please provide details of why you consider the Proposed Main Modification or Proposed Policy Map Change is not legally compliant or is unsound, including any changes you consider necessary to make the Plan legally compliant or sound.**

*You will need to say why this change will make the Local Plan Review 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 proposed modification would replace reference to protected trees to a more narrow requirement referring solely to Tree Preservation Orders and trees in conservation areas.

However, there are other forms of tree protection in national legislation and the NPPF and therefore this narrower wording risks undermining those important requirements, rendering the policy unsound.

NPPF Para 193c defines ancient and veteran trees outside woods as irreplaceable habitats. It is therefore entirely appropriate that policy DM11 in the local plan seeks to protect them and also other important trees which are the veteran trees of the future. The Government policy paper on ancient woodland 'Keepers of Time' (2022) states *"We must also take steps to identify, conserve and enhance future veteran trees as the lack of replacement 'future veterans' is a significant challenge for the future health of this resource."* Such trees may not be subject to TPOs given the different eligibility requirements. Indeed even where future veteran trees might qualify for TPOs, TPOs may nevertheless not have been applied, instead relying on the protection afforded by the NPPF and other national policy.

NPPF protections are not limited to ancient & veteran trees or to trees with TPOs. Para 136 of the NPPF states that *"Planning policies and decisions should ensure that ... existing trees are retained wherever possible."* Section 187 of the NPPF states that *"policies should contribute to and enhance the natural and local environment... (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services ...and of trees and woodland"*.

The wording in the submission draft enables the LPA to identify and protect those existing trees, hedgerows and woodland that are locally important, in line with the NPPF.

Furthermore, given pressures on the TPO regime and local authority resources, many trees that would qualify for TPOs may not have them in place. It would be an inversion of good policy to make the overall plan policy dependent on individual TPOs happening to exist.

Retaining the original wording would not adversely affect applicants, who will be bound by the NPPF and British Standards for tree works, whichever policy wording is used. It will however enable the LPA to uphold national policy and legal protections for trees effectively, without relying entirely on the TPO regime. Indeed, MM85 states *that “Protected trees **includes** trees protected by a Tree Preservation Order...”* i.e. protection is not exclusive to TPOs.

We therefore ask that this modification be withdrawn, and the submitted plan policy DM15 should stand.

Should the Inspector feel that specific reference to TPOs is required, we suggest the policy could be worded as follows (reflecting the wording proposed in MM85):

*The loss or deterioration of protected trees, groups of trees, woodland or important hedgerows, **including those subject to TPOs or in conservation areas**, will only be permitted in exceptional circumstances and in accordance with the relevant legislation, policy and good practice recommendations. Where protected trees are subject to felling, a replacement of an appropriate number, species and size in an appropriate location will be required.*

#### **Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA)**

**4. Do you have any comments on the updated Sustainability Appraisal/Strategic Environmental Assessment Report – Proposed Main Modifications (November 2024)?**  
*(Please be as precise as possible)*

Page number	
Paragraph number	
Comments:	



## Habitats Regulations Assessment

### 5. Do you have any comments on the addendum to the Habitats Regulations Assessment of the Proposed Main Modifications (November 2024)?

*(Please be as precise as possible)*

Page number	
Paragraph number	
Comments:	

## Notification of Progress of the Local Plan Review

### 6. Do you wish to be notified of any of the following?

*(please tick/mark 'X' all that apply)*

<i>The publication of the report of the Inspector appointed to carry out the examination</i>	<input checked="" type="checkbox"/>
<i>The adoption of the Local Plan Review</i>	<input checked="" type="checkbox"/>

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

Signature		Date	30 January 2025
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**Your completed representations must be received by the Council by 11:59pm on Friday 31 January 2025.**

***Please note – Personal/Contact Details***

**All submitted representations will be made publicly available, including on the Council's website, with the person/organisation making the representation being identified. A copy of all submitted representations will also be made available to the Planning Inspectorate and the person appointed by the Secretary of State to conduct the examination.**

To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the LPR. The Council therefore cannot accept anonymous representations – you must provide us with your name and contact details. Address details will not be made publicly available. 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>.

The Council will also need to make sure that the names and full addresses of those making representations can be made available and taken into account by the Inspector. By submitting a representation, you confirm that you agree to this and accept responsibility for your comments. The Planning Inspectorate's privacy statement for local plan examinations is available at <https://www.gov.uk/guidance/local-plans#plans-privacy-statement>.