

Our ref: WA/2006/000267/PO-02/SB1

Your ref:

Date: 6 March 2023

West Berkshire District Council
Planning Policy Team
Development and Regulation
Market Street
Newbury
RG14 5LD

West Berkshire Local Plan Review Proposed Submission (Regulation 19) Consultation

Thank you for consulting us to provide comments on the Local Plan Review Proposed Submission (Regulation 19) Consultation.

We have reviewed the policies and site allocations in relation to our remit (flood risk, biodiversity and conservation of fisheries and the water environment, groundwater quality and contaminated land, water quality and water resources) and have provided you with comments below. These comments are not soundness issues but will provide some clarity to the plan. With regards to concerns about soundness issues, these have been provided using the representation forms. Please refer to our comments below.

Strategic Policies

Policy SP4 - Atomic Weapons Establishment (AWE) Aldermaston and Atomic Weapons Establishment (AWE) Burghfield and Policy DM33 Development within AWE (Aldermaston and Burghfield Atomic Weapons Establishments (AWE))

We make no comments or suggest amendments to policies SP4 or DM33 of the draft plan.

The Environment Agency is part of an offsite planning group who are consulted by West Berkshire District Council on any development proposals in the Detailed Emergency Planning Zone (DEPZ) of the AWE sites. We have permitted a number of activities and installations within AWE sites under our regulatory requirements and influences and would expect that AWE, or any other organisation undertaking new activities in developments considered under DM33 to consult with us if their activities would require environmental permits.

Policy SP5

We reviewed policy SP5 and note Paragraph 5.1 states - *The gases emitted such as carbon dioxide, methane and nitrous monoxide have added to our atmosphere and the greenhouse 'blanket' accelerating global temperatures and affecting the climate in ways that could change how we live and our long term behaviours.* We believe 'nitrous monoxide' should be 'nitrous oxide'. This should be amended.

Policy SP6

We reviewed Policy SP6 and paragraph 1 states "*Within Flood Zones 2 and 3 (and also on sites of 1 hectare or more in size, and in other circumstances as set out in the NPPF)*".

We note a minor typo in the form of an omitted closed bracket as above.

We reviewed Policy SP6 and the penultimate paragraph of Policy SP6 states "*...in accordance with the SuDS Supplementary Planning Document, best practice, and the Non-statutory Technical Standards for Sustainable Drainage (19)()* ."

It appears there a reference missing at the end of this sentence hence the empty brackets.

Regarding policy SP6, we appreciate the use of Natural flood management (NFM), measures as it will ensure that development provides suitable mitigation and adaptation to climate change, taking into account the long-term implications for flood risk. It would also assist in safeguard the future resilience of communities and infrastructure to climate change impacts. This is in accordance with Paragraph 149 of the National Planning Policy Framework (NPPF).

Developments should encourage NFM measures and look at opportunities for river restoration and enhancement, and projects which reconnect rivers with their floodplains. NFM measures such as backwater creation, de-silting, de-culverting and naturalising the channel through in-channel habitat enhancements and removal of structures should be sought. These concepts should be incorporated into plans for new development from an early stage.

Irrespective of the above stated benefits, it should be understood however that NFM measures may not always be appropriate/possible. This should be acknowledged.

Policy SP10 - Green Infrastructure

We have reviewed Policy SP10 - Green Infrastructure and suggest that the title is changed to - Blue Green infrastructure.

We understand that the NPPF defines Green Infrastructure as "*A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.*" However, the use of the terminology 'blue' is to capture the fact that blue infrastructure elements – such as water bodies (rivers, ponds, streams etc) are also being considered as is the case with this policy.

In bullet point 'o', the provision of 'buffer strips' is mentioned. This should be changed to buffer zones to match with the rest of the wording in the plan. It will be useful to also state that these buffer zones need to be at least 10m wide and should be planted with primarily local native species of UK genetic provenance and used to provide habitat and corridors for species which use the riverbanks and the water.

Site Allocations

Policy RSA25 - Long Copse Farm, Enborne

We reviewed policy RSA25 and note that Point 'k' states "*No caravans will be permitted within Flood Zones 2 and 3 at the northern edge of the site.*"

While we support this as caravans are classed as 'highly vulnerable' under NPPF, there is no Flood zone 2/3 within the site (as per the red line boundary on page 137). Can this be confirmed?

Development management policies

Policy DM7 - Water Resources and Wastewater

We asked previously for the Chieveley, Hungerford and Newbury WWTW to be mentioned/included in the plan. The draft plan states that, these need to be upgraded as stated in section 10.71:

"In order to allow for water and wastewater infrastructure delivery national planning guidance stipulates that phasing new development should be considered to ensure that the 'infrastructure will be in place when and where needed'. As the Water Cycle Study (Phase 2) (2021) is showing the need for upgrades it may be necessary for development to be phased in West Berkshire to allow for the delivery of this infrastructure."

However further details such as the timeline and approach to ensure these improvements meet the needs of upcoming developments have not been provided. Developments proposed across the plan period should not outpace required wastewater infrastructure provision or improvements. Developments should not go ahead when there is no wastewater drainage infrastructure in place or when the existing infrastructure will still be exceeding their permit limit.

The justification text in section 10.71 should therefore be amended to read;

“In order to allow for water and wastewater infrastructure delivery national planning guidance stipulates that phasing new development should be considered to ensure that the ‘infrastructure will be in place ~~when and where needed~~ and provided through the timely provision of new, or the enhancement of existing necessary strategic and local infrastructure to ensure that infrastructure is in place and available prior to the occupation of all developments.’ As the Water Cycle Study (Phase 2) (2021) is showing the need for upgrades it may be necessary for development to be phased in West Berkshire to allow for the delivery of this infrastructure.”

Policy text ‘a’ of Policy DM7 should also be amended to read;

‘There is adequate water supply and wastewater treatment infrastructure capacity resources are available, or can be provided, to support the development proposed ~~at the time of occupation~~ prior to the occupation of all developments’, and will be safeguarded from the potential impacts of development;’

Final Comments

As mentioned above our concerns about soundness issues, have been provided using the representation forms and this has been submitted separately.

We trust the above comments are useful and we look forward to working with you to produce a sound and robust local plan for the West Berkshire Emerging Local Plan. Our comments are based on our available records and the information as submitted. If you have any questions, please do not hesitate to contact me.

Yours faithfully

Miss Judith Montford
Planning Specialist

Direct dial [REDACTED]

E-mail Planning_THM@environment-agency.gov.uk



West Berkshire Local Plan Review 2022-2039
Proposed Submission Representation Form

Ref:

(For official use only)

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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:	Miss	
First Name:*	Judith	
Last Name:*	Montford	
Job title <i>(where relevant):</i>	Planner	
Organisation <i>(where relevant):</i>	Environment Agency	
Address* <i>Please include postcode:</i>	Environment Agency Red Kite House, Howbery Park, Benson Lane, Crowmarsh, OX10 8BD	
Email address:*	Planning_THM@environment-agency.gov.uk	
Telephone number:		

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

Section/paragraph:	
Policy:	Policy SP1- Spatial Strategy
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:

Regarding the Spatial Strategy, a Strategic Environmental Assessment (SEA) has been carried out, as part of the Local Plan appraisal process to promote sustainable environmental considerations in the preparation of the local plan.

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		X
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:

SP1- Spatial Strategy

We reviewed Policy SP1 and when taking into consideration the area constraints as listed in section 4.6, we consider it important for the protected areas or the Atomic Weapons Establishments (AWE) areas and how these will affect the development goals to be highlighted in this policy. It is important, especially as the north Wessex downs takes up a large part of the local authority area. Also the River Kennet Site of Special Scientific Interest (SSSI), the River Lambourn SSSI and Special Area of Conservation (SAC) is in this area. Therefore, details about how these sensitive areas will be protected and safeguarded from development pressures or completing development should be highlighted. For example, there are details of what will be appropriate for the North Wessex Downs AONB in Policy SP2, which is useful.

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 Council (Under Section 33A of the Planning and Compulsory Purchase Act) in its Duty to Cooperate with other prescribed bodies/key agencies when preparing the LPR in order to address strategic planning issues relevant to their areas has engaged with the Environment Agency during the Plan making process.

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.

Policy SP1 - Spatial Strategy

Details about how these sensitive areas/protected areas or the Atomic Weapons Establishments (AWE) will be protected and safeguarded from development pressures or completing development should be highlighted in Policy SP1.

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 attend the examination for an opportunity to explain the need to state the need for protected areas or the Atomic Weapons Establishments (AWE) to protected and safeguarded from development pressures or completing development when taking into consideration the constraints in West Berks as listed in section 4.6.

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

The adoption of the Local Plan Review	X
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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	2 March 2023
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Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.



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	Your details	Agent's details (if applicable)
Title:	Miss	
First Name:*	Judith	
Last Name:*	Montford	
Job title (where relevant):	Planner	
Organisation (where relevant):	Environment Agency	
Address* <i>Please include postcode:</i>	Environment Agency Red Kite House, Howbery Park, Benson Lane, Crowmarsh, OX10 8BD	
Email address:*	Planning_THM@environment-agency.gov.uk	
Telephone number:		

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Your name or organisation (and client if you are an agent):	
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Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	
Policy:	Policy SP5 Responding to Climate Change
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:

Regarding the Spatial Strategy, a Strategic Environmental Assessment (SEA) has been carried out, as part of the Local Plan appraisal process to promote sustainable environmental considerations in the preparation of the local plan.

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		X

Please give reasons for your answer:

Policy SP5 - Responding to Climate Change

We have reviewed Policy SP5 - Responding to Climate Change and make the following comments.

Firstly, to ensure flood risk is assessed against climate change we ask that an additional point is included in the criteria that all developments will be expected to satisfy. This should be added before point i):

'To assess any future increase in flood risk because of climate change in accordance with policy SP6'

This is to ensure the policy is fully compliant with National Planning Policy and the associated Planning practice guidance.

Secondly, there should be a bullet point about protecting and conserving the water environment - not just in terms of water quality and resources (as in bullet point h), but in terms of protected and important species and habitat this is particularly relevant due to the includes the River Kennet Site of Special Scientific Interest (SSSI), the River Lambourn SSSI and Special Area of Conservation (SAC) status'. We suggest the following:

'To manage and conserve adequate water resources and avoid harming important biodiversity species and habitat.'

Thirdly, there should be a point about BNG and to have at least 10% at every site to help mitigate against climate change mitigation effects. For instance, Natural Flood Management (NFM) techniques could be used, for example by re-connecting rivers to their floodplains when and where possible. This is to ensure that development provides suitable mitigation and adaptation to climate change, considering the long-term implications for flood risk as well, and safeguards the future resilience of communities and infrastructure to climate change impacts. This is in accordance with Paragraph 149 of the National Planning Policy Framework (NPPF).

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 Council (Under Section 33A of the Planning and Compulsory Purchase Act) in its Duty to Cooperate with other prescribed bodies/key agencies when preparing the LPR in order to address strategic planning issues relevant to their areas has engaged generally with the Environment Agency during the Plan making process.

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.

Policy SP5 - Responding to Climate Change

We ask that additional points are included in the criteria that all developments will be expected to satisfy. We suggest the points below.

To assess any future increase in flood risk because of climate change in accordance with policy SP6. This should be added before point i)

To manage and conserve adequate water resources and avoid harming important biodiversity species and habitat. This should be added before point h)

Thirdly, there should be a point about having at least 10% BNG at every site to help mitigate against climate change mitigation effects.

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 attend the examination for an opportunity to explain the need to adequately assess and mitigate against impact of climate change in the plan. The suggested wording for example will ensure developments are not at risk of flooding as well as ensure the protection important biodiversity species and habitat.

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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

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Signature		Date	2 March 2023
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First Name:*	Judith	
Last Name:*	Montford	
Job title <i>(where relevant):</i>	Planner	
Organisation <i>(where relevant):</i>	Environment Agency	
Address* <i>Please include postcode:</i>	Environment Agency Red Kite House, Howbery Park, Benson Lane, Crowmarsh, OX10 8BD	
Email address:*	████████████████████ ████████████████████	
Telephone number:	████████████████████	

**Mandatory field*

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Section/paragraph:	
Policy:	Policy SP6 Flood Risk
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:

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NPPF criteria	Yes	No
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Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		X
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		X

Please give reasons for your answer:

Policy SP6 - Flood Risk

We have reviewed Policy SP6 - Flood Risk and to ensure the policy adequately complies with national policy, a few amendments will need to be made to the policy text.

Please refer to section 4 for the suggested changes/amendments to policy text

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 Council (Under Section 33A of the Planning and Compulsory Purchase Act) in its Duty to Cooperate with other prescribed bodies/key agencies when preparing the LPR in order to address strategic planning issues relevant to their areas has engaged generally with the Environment Agency during the Plan making process.

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.

Policy SP6 – Flood risk

We have reviewed Policy SP6 - Flood Risk and to ensure the policy adequately complies with national policy a number of amendments will need to be made to some of the policy Texts and we suggest the following changes/amendments to policy texts.

We suggest adding the text below to Point 'd' of Policy SP6

'The development will be safe for its lifetime' and not increase flood risk elsewhere.'

We suggest Paragraph 6 of Policy SP6 should be reworded from;

"In applying the Sequential Test, where development has to be located in flood risk areas, it should be demonstrated that..."

To;

'If the sequential test shows that it isn't possible for an alternative site to be used and therefore development has to be located in a flood risk area, it should be demonstrated that:..'

Paragraph 8 of Policy SP6 states *"Where an Exception Test is required, in accordance with national policy and guidance, this should demonstrate how flood risk would be managed on site, including that the sustainability benefits of the site outweigh the flood risk and that the development will be safe for its lifetime, taking into account the vulnerability of its users and that it will not increase flood risk elsewhere."*

We suggest this is reworded to the following text for clarity:

'In addition to the sequential test, the exception test must be applied in certain situations according to national policy. This includes highly vulnerable development in flood zone 2, essential infrastructure in flood zone 3a or 3b, and more vulnerable development in flood zone 3a. The exception test should demonstrate how flood risk would be managed on site so that the development is safe taking into account the vulnerability of its users, and that it will not increase flood risk elsewhere. The exception test will also need to show that the sustainability benefits of the development to the community outweigh the flood risk.'

Point 'p' of Policy SP6 states *"Natural flood management measures can be implemented"*.

While we support the implementation of Natural flood management measures, it may not always be appropriate/possible to provide these. We suggest this is reworded and suggest the following text;

'Natural flood management measures can be implemented wherever possible'.

Paragraph 5.17 of Policy SP6 states: “The sequential approach to the layout of a development site can reduce the risk of flooding from all sources and not increase flood risk overall, both off and on site. This approach also ensures that that the most vulnerable development is located within the areas of lowest risk of flooding.”

We suggest this is reworded and suggest the following text;

‘The sequential approach should be taken when determining the layout of a development site, meaning the most vulnerable development should be sited in the areas of lowest flood risk within the site.’

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 attend the examination for an opportunity to explain the need to include the suggested wording to ensure developments in West Berkshire are not at risk of flooding as well as adheres to national 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	X
The publication of the report of the Inspector appointed to carry out the examination	X
The adoption of the Local Plan Review	X

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Signature 	Date 2 March 2023
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Job title (where relevant):	Planner	
Organisation (where relevant):	Environment Agency	
Address* <i>Please include postcode:</i>	Environment Agency Red Kite House, Howbery Park, Benson Lane, Crowmarsh, OX10 8BD	
Email address:*	Planning_THM@environment-agency.gov.uk	
Telephone number:	[REDACTED]	

**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.

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Your name or organisation (and client if you are an agent):	
---	--

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

Section/paragraph:	
Policy:	Policy SP7 – Design Quality
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:

Regarding the Spatial Strategy, a Strategic Environmental Assessment (SEA) has been carried out, as part of the Local Plan appraisal process to promote sustainable environmental considerations in the preparation of the local plan.

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		X
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		X

Please give reasons for your answer:

Policy SP7 – Design Quality

We reviewed Policy SP7 and paragraph 5.31 states "New waterside development adjacent to the Kennet & Avon Canal should seek to positively address the water, integrate the towing path and open up access to the water, link the waterside space to the water, make use of the water itself, incorporate access improvements, engage with the benefits of being by the water, and reflect the scale of the local waterway to the wider neighbourhood."

Whilst this is a beneficial placemaking concept, however this appears to contradict the Policy SP6 – Flood Risk on page 29 of having an undeveloped buffer of 10m alongside and on both sides of main rivers (the Kennet & Avon Canal). We suggest that reference is made to this requirement in Policy SP6 in this section of Policy SP7.

This is to ensure the provision of ecological corridors and protection of species and habitat which use the riverbanks and the water as required by national 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

No

Please give reasons for your answer:

The Council (Under Section 33A of the Planning and Compulsory Purchase Act) in its Duty to Cooperate with other prescribed bodies/key agencies when preparing the LPR in order to address strategic planning issues relevant to their areas has engaged generally with the Environment Agency during the Plan making process.

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.

Policy SP7 – Design Quality

The provision of an undeveloped buffer of 10m alongside and on both sides of main rivers should be stated in paragraph 5.31 of Policy SP7 as highlighted in the policy text of Policy SP6 to ensure consistency.

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 attend the examination for an opportunity to explain the need to ensure consistency where the issue of providing an undeveloped buffer zone of 10 m alongside and on both sides of main rivers. This is to ensure the provision of ecological corridors and protection of species and habitat which use the riverbanks and the water as required by national 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	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.

Signature		Date	2 March 2023
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Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.



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

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- Part A - Your details: need only be completed once
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PART A: Your Details

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- *All information will be sent for examination by an independent inspector*
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	Your details	Agent's details (if applicable)
Title:	Miss	
First Name:*	Judith	
Last Name:*	Montford	
Job title (where relevant):	Planner	
Organisation (where relevant):	Environment Agency	
Address* <i>Please include postcode:</i>	Environment Agency Red Kite House, Howbery Park, Benson Lane, Crowmarsh, OX10 8BD	
Email address:*	Planning_THM@environment-agency.gov.uk	
Telephone number:	██████████	

*Mandatory field

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Your name or organisation (and client if you are an agent):	
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Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	
Policy:	Policy SP11 - Biodiversity and geodiversity
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:

Regarding the Spatial Strategy, a Strategic Environmental Assessment (SEA) has been carried out, as part of the Local Plan appraisal process to promote sustainable environmental considerations in the preparation of the local plan.

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		X
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		X

Please give reasons for your answer:

Policy SP11 - Biodiversity and geodiversity

We have reviewed Policy SP11, Biodiversity and geodiversity and have concerns regarding this policy most of which we mentioned previously. Currently the policy does not satisfactorily adhere to the requirements of national policy – NPPF section 15.

There is no inclusion on the size of the buffer zone and as stated in other places, this needs to be 10 metres. Bullet point 'd' states that development will be permitted where it:

"Provides or retains appropriate buffer zones between development proposals and designated sites, habitats for protected or priority species or main rivers, which are informed by detailed site-based assessment;"

The use of 'appropriate' as stated is ambiguous and could end up with a buffer which is not sufficient. As we stated previously, some watercourses require even be more than a 10m buffer provided at either size of the watercourse due to the importance of the designated rivers in West Berkshire, the River Kennet SSSI and River Lambourn SAC. As well, habitats of principle importance also need a buffer zone, not just designated sites.

We reiterate that a standalone policy specifically about the water environment to provide more protection for the water environment is required. This is particularly important given the nationally and internationally protected sites that includes the River Kennet Site of Special Scientific Interest (SSSI), the River Lambourn SSSI and Special Area of Conservation (SAC) and a number of SSSI and SAC wetland habitats within the Kennet floodplain. We have made a separate representation regarding this.

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 Council (Under Section 33A of the Planning and Compulsory Purchase Act) in its Duty to Cooperate with other prescribed bodies/key agencies when preparing the LPR in order to address strategic planning issues relevant to their areas has engaged generally with the Environment Agency during the Plan making process.

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.

Policy SP11 - Biodiversity and geodiversity

We suggest that the policy text point 'd' is amended to include the requirement for 10 buffer zone and we suggest the following;

'Provides or retains ~~appropriate~~ at least 10m buffer zones between development proposals and designated sites, habitats for protected or priority species or main rivers, which are informed by detailed site-based assessment. Due to the importance of the designated rivers in West Berkshire (i.e. the River Kennet SSSI and River Lambourn SAC), some watercourses require even be more than a 10m buffer provided at either size of the watercourse.'

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 attend the examination for an opportunity to explain the need for Policy SP11 - Biodiversity and geodiversity to be further strengthened to provide more protection for the water environment.

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.

Signature		Date	2 March 2023
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	Your details	Agent's details (if applicable)
Title:	Miss	
First Name:*	Judith	
Last Name:*	Montford	
Job title (where relevant):	Planner	
Organisation (where relevant):	Environment Agency	
Address* <i>Please include postcode:</i>	Environment Agency Red Kite House, Howbery Park, Benson Lane, Crowmarsh, OX10 8BD	
Email address:*	Planning_THM@environment-agency.gov.uk	
Telephone number:	[REDACTED]	

*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):	
---	--

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

Section/paragraph:	
Policy:	Policy SP16 - Sandford Strategic Site Allocation
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:

Regarding the Spatial Strategy, a Strategic Environmental Assessment (SEA) has been carried out, as part of the Local Plan appraisal process to promote sustainable environmental considerations in the preparation of the local plan.

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		X
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		X
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		X

Please give reasons for your answer:

Policy SP16 - Sandford Strategic Site Allocation

This allocation for a residential development comprising approximately 1,500 Dwellings presented in this plan has not considered/listed environmental constraints and highlighted requirements and opportunities to ensure the sustainable delivery of the site as required by national policy. Including this information in the policy page will provide perspective which then highlights the need for the necessary requirements to allow development on this site.

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 Council (Under Section 33A of the Planning and Compulsory Purchase Act) in its Duty to Cooperate with other prescribed bodies/key agencies when preparing the LPR in order to address strategic planning issues relevant to their areas has engaged generally with the Environment Agency during the Plan making process.

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.

Policy SP16 - Sandford Strategic Site Allocation

The below should be addressed and included in Policy SP16 - Sandford Strategic Site Allocation as requirements and opportunities.

Requirements

There should be no penetration of the London Clay strata. No discharge into groundwater and information should be provided to demonstrate this. Please refer to the Environment Agency's Approach to Groundwater Protection guidance [Environment Agency's Approach to Groundwater Protection guidance](#) for all types of development proposals.

There is no mention of the Enborne on the south boundary of the site or the provision of a buffer zone of a minimum of 10 metres to prevent run-off which we requested previously. This needs to be included as the Enborne is a main river.

We would not support any additional flows to Newbury STW (as is the case for some other allocations). Newbury STW is currently at around 98% of its dry weather flow - DWF capacity, and the development planned to drain to the STW would certainly take it over capacity. A new DWF permit would be required that ensured no deterioration of any quality elements. Newbury STW is to get a 0.1mg/l phosphorus permit limit during AMP 8. This is to meet the CSMG requirements of getting the River Kennet SSSI to good status. Before any development connecting to Newbury STW proceeds, we would need to have confidence that the additional phosphorus load would not undermine the AMP 8 objectives. 0.1mg/l is a 'stretch target' and TW would need to have confidence they would be able to meet that target with any additional loading. The Environment Act will compel water companies to reduce their phosphorous loading from STWs by 80% from a 2020 baseline. Permit limits lower than 0.25mg/l do not count towards that target so higher loads to a STW with a permit limit lower than 0.25mg/l may undermine a water companies' ability to meet the Environment Act objectives. Newbury is a high spiller, and additional developments and flows will increase frequency of spilling. Therefore, we would not support any additional flows entering - the Newbury STW, a known high spiller until significant work has been done to tackle the causes of the frequent spills. As stated in our notes on Policy DM7, adequate water supply and wastewater treatment infrastructure capacity resources must be available or provided to support all proposed development proposed prior to the occupation.

Opportunities

There may be opportunities to enhance the river corridor which would contribute to biodiversity net gain. There is also various local wildlife sites and ancient woodlands which would need to be protected and a buffer of 15m between these and any Local Wildlife Site and Atomic Weapons

Establishments

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 attend the examination for an opportunity to explain the need for this site allocation to include
 -environmental constraints
 -site requirements to enable development and
 -opportunities to ensure the sustainable delivery.

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.

Signature		Date	2 March 2023
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Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.



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	Your details	Agent's details (if applicable)
Title:	Miss	
First Name:*	Judith	
Last Name:*	Montford	
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*Mandatory field

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Your name or organisation (and client if you are an agent):	
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Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	
Policy:	Policy SP17 - North East Thatcham Strategic Site Allocation
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:

Regarding the Spatial Strategy, a Strategic Environmental Assessment (SEA) has been carried out, as part of the Local Plan appraisal process to promote sustainable environmental considerations in the preparation of the local plan.

2. Soundness

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

Do you consider the Local Plan Review is sound?

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Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		X
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		X
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		X

Please give reasons for your answer:

Policy SP17 - North East Thatcham Strategic Site Allocation

This allocation which is for approximately 1,500 dwellings which will be completed within the period of the Plan has not considered/listed some environmental constraints and highlighted requirements and opportunities to ensure the sustainable delivery of the site as required by national policy. Including this information in the policy page will provide perspective which then highlights the need for the necessary requirements to allow development on this site.

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 Council (Under Section 33A of the Planning and Compulsory Purchase Act) in its Duty to Cooperate with other prescribed bodies/key agencies when preparing the LPR in order to address strategic planning issues relevant to their areas has engaged generally with the Environment Agency during the Plan making process.

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 below should be addressed and included in **Policy SP17 - North East Thatcham Strategic Site Allocation** as requirements and opportunities.

Requirements

There should be no penetration of the London Clay strata. No discharge into groundwater and information should be provided to demonstrate this. Please refer to the Environment Agency's Approach to Groundwater Protection guidance [Environment Agency's Approach to Groundwater Protection guidance](#) for all types of development proposals.

The 'North East Thatcham' strategic site contains an area which is an existing flood defence, recently completed by West Berkshire Council (Dunston Park Flood Storage Area). In addition, further surface water management schemes are being planned by West Berkshire Council within this area, including 'East Thatcham'. The existing and planned surface water schemes should be mentioned in this section, including the need for consideration of these schemes in a comprehensive flood risk assessment when planning development in this area. This site would require a Flood Risk Assessment which demonstrates requirements of NPPF and PPG. This is due to its size and strategic nature.

We would not support any additional flows to Newbury STW (as is the case for some other allocations). Newbury STW is currently at around 98% of its dry weather flow - DWF capacity, and the development planned to drain to the STW would certainly take it over capacity. A new DWF permit would be required that ensured no deterioration of any quality elements. Newbury STW is to get a 0.1mg/l phosphorus permit limit during AMP 8. This is to meet the CSMG requirements of getting the River Kennet SSSI to good status. Before any development connecting to Newbury STW proceeds, we would need to have confidence that the additional phosphorus load would not undermine the AMP 8 objectives. 0.1mg/l is a 'stretch target' and TW would need to have confidence they would be able to meet that target with any additional loading. The Environment Act will compel water companies to reduce their phosphorous loading from STWs by 80% from a 2020 baseline. Permit limits lower than 0.25mg/l do not count towards that target so higher loads to a STW with a permit limit lower than 0.25mg/l may undermine a water companies' ability to meet the Environment Act objectives. Newbury is a high spiller, and additional developments and flows will increase frequency of spilling. Therefore, we would not support any additional flows entering - the Newbury STW, a known high spiller until significant work has been done to tackle the causes of the frequent spills. As stated in our notes on Policy DM7, adequate water supply and wastewater treatment infrastructure capacity resources must be available or provided to support all proposed development proposed prior to the occupation.

Opportunities

There may be opportunities to enhance the river corridor which would contribute to biodiversity net gain.

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 attend the examination for an opportunity to explain the need for this site allocation to include
 -environmental constraints
 -site requirements to enable development and
 -opportunities to ensure the sustainable delivery.

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
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Signature		Date	2 March 2023
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- *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:	Miss	
First Name:*	Judith	
Last Name:*	Montford	
Job title (where relevant):	Planner	
Organisation (where relevant):	Environment Agency	
Address* <i>Please include postcode:</i>	Environment Agency Red Kite House, Howbery Park, Benson Lane, Crowmarsh, OX10 8BD	
Email address:*	Planning_THM@environment-agency.gov.uk	
Telephone number:		

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

Section/paragraph:	8 Non-strategic site allocations: our place based approach
Policy:	
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:

Regarding the Spatial Strategy, a Strategic Environmental Assessment (SEA) has been carried out, as part of the Local Plan appraisal process to promote sustainable environmental considerations in the preparation of the local plan.

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		X
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		X

Please give reasons for your answer:

Chapter 8 non-strategic site allocations: our place based approach

The site allocations presented in this chapter have not considered/listed environmental constraints and highlighted requirements and opportunities to ensure the sustainable delivery of each site to accommodate development. Including this information in the policy page will provide perspective which then highlights the need for the necessary requirements to allow development on these sites. We have concerns and have provided this information in a separate document (Please see EA submission for Non-strategic site allocations v 2).

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 Council (Under Section 33A of the Planning and Compulsory Purchase Act) in its Duty to Cooperate with other prescribed bodies/key agencies when preparing the LPR in order to address strategic planning issues relevant to their areas has engaged generally with the Environment Agency during the Plan making process.

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 changes we wish to see have been provided in a document - EA submission for non-strategic site allocations v 2.

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 attend the examination for an opportunity to explain the need for the site allocations to include

- environmental constraints
- site requirements to enable development and
- opportunities to ensure the sustainable delivery of each site to accommodate development West Berkshire.

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.

Signature		Date	2 March 2023
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Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.

Policy	Site Address	Proposed Allocation	Site Constraints [Flood Risk/ Main River/ Biodiversity and Ecology/ Ground Water/Contaminated Land]	Requirements	Opportunities
RSA1	Land north of Newbury College, Monks Lane, Newbury	15 dwellings	The site is on SPZ3, secondary A superficial and bedrock aquifers	<p>We would not support any additional flows to Newbury STW. Newbury STW is currently at around 98% of its dry weather flow- DWF capacity, and the development planned to drain to the STW would certainly take it over capacity. A new DWF permit would be required that ensured no deterioration of any quality elements. Newbury STW is to get a 0.1mg/l phosphorus permit limit during AMP 8. This is to meet the CSMG requirements of getting the River Kennet SSSI to good status. Before any development connecting to Newbury STW proceeds, we would need to have confidence that the additional phosphorus load would not undermine the AMP 8 objectives. 0.1mg/l is a 'stretch target' and TW would need to have confidence they would be able to meet that target with any additional loading. The Environment Act will compel water companies to reduce their phosphorous loading from STWs by 80% from a 2020 baseline. Permit limits lower than 0.25mg/l do not count towards that target so higher loads to a STW with a permit limit lower than 0.25mg/l may undermine a water companies' ability to meet the Environment Act objectives. Newbury is a high spiller, and additional developments and flows will increase frequency of spilling. Therefore, we would not support any additional flows entering - the Newbury STW, a known high spiller until significant work has been done to tackle the causes of the frequent spills. As stated in our suggested amendments and notes on Policy DM7, adequate wastewater treatment infrastructure capacity resources must be available or provided to support all proposed development prior to the occupation. Due to the constraints highlighted for this site, this must be stated in the policy text for site RSA1.</p>	
RSA2	Land at Bath Road, Speen, Newbury	100 dwellings	The site is on SPZ2+3, principal, and secondary A bedrock aquifer	<p>This site would require a Flood Risk Assessment which demonstrates requirements of NPPF and PPG. This is due to its size (greater than 1 hectare or confirm).</p> <p>We would not support any additional flows entering the Newbury STW - a known high spiller until significant work has been done to tackle the causes of the frequent spills. As stated in our suggested amendments and notes on Policy DM7, adequate wastewater treatment infrastructure capacity resources must be available or provided to support all proposed development prior to the occupation. Due to the constraints highlighted for this site, this must be stated in the policy text for site RSA2. (Please take notes of the details provided under RSA1 regarding wastewater discharge constraints).</p>	

RSA3	Land at Coley Farm, Stoney Lane, Newbury	75 dwellings	The site is on SPZ3, secondary superficial aquifer, secondary A bedrock aquifer	<p>We would not support any additional flows entering the Newbury STW - a known high spiller until significant work has been done to tackle the causes of the frequent spills. As stated in our suggested amendments and notes on Policy DM7, adequate wastewater treatment infrastructure capacity resources must be available or provided to support all proposed development prior to the occupation. Due to the constraints highlighted for this site, this must be stated in the policy text for site RSA3. (Please take notes of the details provided under RSA1 regarding wastewater discharge constraints).</p>	
RSA4	Land off Greenham Road, Southeast Newbury	160 dwellings	The site is on Historic landfill site (Pinchington Lane), secondary A superficial and bedrock aquifers, SPZ3,	<p>This site would require a Flood Risk Assessment which demonstrates requirements of NPPF and PPG. This is due to its size (greater than 1 hectare).</p> <p>This site is partly located atop a historic landfill which means that any significant foundations or ground excavations at the site may lead to creation of a pathway for pollutants within the landfill to reach groundwater.</p> <p>We refer the LPA to the Environment Agency's Approach to Groundwater Protection guidance which highlights our requirements for developments on landfill sites.</p> <p>Developers at any allocated sites located on a historic landfill would need to make enquiries regarding potential requirements under the Environmental Permitting Regulations 2016.</p> <p>We would not support any additional flows entering the Newbury STW - a known high spiller until significant work has been done to tackle the causes of the frequent spills. As stated in our suggested amendments and notes on Policy DM7, adequate wastewater treatment infrastructure capacity resources must be available or provided to support all proposed development prior to the occupation. Due to the constraints highlighted for this site, this must be stated in the policy text for site RSA4. (Please take notes of the details provided under RSA1 regarding wastewater discharge constraints).</p>	

RSA5	Land at Lower Way, Thatcham	85 dwellings	The site is on SPZ3, secondary A superficial and bedrock aquifers. Adjacent to historic landfill sites (Fishing Club and Lower Way)	<p>There is a historic landfill historic landfill next to site which means that any significant foundations or ground excavations at the site may lead to creation of a pathway for pollutants within the landfill to reach groundwater. We refer the LPA to the Environment Agency's Approach to Groundwater Protection guidance Which highlights our requirements for developments on landfill sites.</p> <p>Developers at any allocated sites located on a historic landfill would need to make enquiries regarding potential requirements under the Environmental Permitting Regulations 2016.</p> <p>We would not support any additional flows entering the Newbury STW - a known high spiller until significant work has been done to tackle the causes of the frequent spills. As stated in our suggested amendments and notes on Policy DM7, adequate wastewater treatment infrastructure capacity resources must be available or provided to support all proposed development prior to the occupation. Due to the constraints highlighted for this site, this must be stated in the policy text for site RSA5. (Please take notes of the details provided under RSA1 regarding wastewater discharge constraints).</p>
RSA6	Stoneham's Farm, Long Lane, Tilehurst	Care home (C2 Use Class)	The site is on SPZ3, secondary A superficial and bedrock aquifers	We assume wastewater will be discharged at the Reading STW. We have no concerns provided Thames Water are confident any additional flows will not lead to deterioration of phosphate classification. Reading STW is within DWF capacity and not a frequent spiller. The policy notes should include a requirement for developers to liaise with Thames Water to discuss wastewater drainage for the site.
RSA7	72 Purley Rise, Purley on Thames	35 dwellings	The site is on SPZ3, principal bedrock aquifer	We assume wastewater will be discharged at the Reading STW. We have no concerns provided Thames Water are confident any additional flows will not lead to deterioration of phosphate classification. Reading STW is within DWF capacity and not a frequent spiller. The policy notes should include a requirement for developers to liaise with Thames Water to discuss wastewater drainage for the site.
RSA8	Land adjacent to Bath Road and Dorking Way, Calcot	35 dwellings	The site is on a secondary A bedrock aquifer	We assume wastewater will be discharged at the Reading STW. We have no concerns provided Thames Water are confident any additional flows will not lead to deterioration of phosphate classification. Reading STW is within DWF capacity and not a frequent spiller. The policy notes should include a requirement for developers to liaise with Thames Water to discuss wastewater drainage for the site.

RSA9	Land between A340 and The Green, Theale	100 dwellings	The site is on SPZ3, principal bedrock aquifer, secondary A superficial aquifer, close to historic landfill site (Ex British Rail Sites No.1-3)	<p>There is a historic landfill historic landfill next to site which means that any significant foundations or ground excavations at the site may lead to creation of a pathway for pollutants within the landfill to reach groundwater. We refer the LPA to the Environment Agency's Approach to Groundwater Protection guidance Which highlights our requirements for developments on landfill sites.</p> <p>Developers at any allocated sites located on a historic landfill would need to make enquiries regarding potential requirements under the Environmental Permitting Regulations 2016.</p> <p>We assume wastewater will be discharged at the Reading STW. We have no concerns provided Thames Water are confident any additional flows will not lead to deterioration of phosphate classification. Reading STW is within DWF capacity and not a frequent spiller. The policy notes should include a requirement for developers to liaise with Thames Water to discuss wastewater drainage for the site.</p>	
RSA10	Whitehart Meadow, Theale	40 dwellings	This site is partly in Flood Zone 2. Main river along site boundary. The site is on secondary A superficial and principal bedrock aquifer	<p>The Sulham brook which runs along the site is a main river and a headwater and is home to Brown Trout and Bullhead that makes it more ecologically important, therefore apart from the provision of a 10m buffer, an ecological assessment should be provided and approved before planning permission is granted. This should be included in the policy wording.</p> <p>We assume wastewater will be discharged at the Reading STW. We have no concerns provided Thames Water are confident any additional flows will not lead to deterioration of phosphate classification. Reading STW is within DWF capacity and not a frequent spiller. The policy notes should include a requirement for developers to liaise with Thames Water to discuss wastewater drainage for the site.</p>	We support the limitation of development to Flood Zone 1 on this site as this is in line with the sequential approach to development.
RSA11	Former Theale Sewage Treatment Works, Theale	60 dwellings	The site is Partly Flood Zone 2 and is approx. 20m from main river. The site is on secondary A superficial and principal bedrock aquifer	<p>The Sulham brook which is located some distance from the site is a main river and a headwater and is home to Brown Trout and Bullhead that makes it more ecologically important, therefore apart from the provision of a 10m buffer, an ecological assessment should be provided and approved before planning permission is granted. This should be included in the policy.</p> <p>We assume wastewater will be discharged at the Reading STW. We have no concerns provided Thames Water are confident any additional flows will not lead to deterioration of phosphate classification. Reading STW is within DWF capacity and not a frequent spiller. The policy notes should include a requirement for developers to liaise with Thames Water to discuss wastewater drainage for the site.</p>	

RSA12	Land adjoining Pondhouse Farm, Clayhill Road, Burghfield Common	100 dwellings	The site is on SPZ3, secondary A superficial and bedrock aquifer	<p>The policy requires an ecological impact assessment and the avoidance of the adverse impacts on protected habitats/species. It will be useful to require a protected species survey as well.</p> <p>This is a large development compared to the size of the receiving Burghfield STW. Burghfield is a high spiller, mostly due to Ground Water infiltration. We would not support a large development within this catchment as it will lead to higher frequency of spills. Burghfield STW does not have a permitted phosphorus discharge value now.</p> <p>There are options to tighten permit limits at Burghfield to mitigate the impact of the development. We are happy to discuss these options with West Berkshire Council.</p>	
RSA13	Land north of A4 Bath Road, Woolhampton	16 dwellings	The site is on SPZ3		
RSA14	Land adjoining Lynch Lane, Lambourn	60 dwellings	The site is partly Flood Zone 2+3. River Lambourn SAC and SSSI approx 25m from site. Principal bedrock aquifer and secondary aquifer	<p>Developments connecting to East Shefford STW may be problematic. The River Lambourn SAC is an area of nutrient neutrality meaning any additional loads from the STW would need to be offset elsewhere in the catchment. Natural England will be better placed to advise on the specifics of this. East Shefford STW has a 0.1mg/l stretch target for P. East Shefford is an exceptionally high spilling site, mostly due to Ground Water infiltration. We would not support additional flows to this site until work has been done to reduce the frequency of storm overflows. As with Newbury or any site with stretch targets for Phosphorous, any additional loading may impact their ability to meet the environment act objectives. As stated in our suggested amendments and notes on Policy DM7, adequate wastewater treatment infrastructure capacity resources must be available or provided to support all proposed development prior to the occupation. Due to the constraints highlighted for this site, this must be stated in the policy text for site RSA14.</p>	
RSA15	Land at Newbury Road, Lambourn	5 dwellings	The site is on principal bedrock aquifer and secondary aquifer	<p>Developments connecting to East Shefford STW may be problematic. The River Lambourn SAC is an area of nutrient neutrality meaning any additional loads from the STW would need to be offset elsewhere in the catchment. Natural England will be better placed to advise on the specifics of this. East Shefford STW has a 0.1mg/l stretch target for P. East Shefford is an exceptionally high spilling site, mostly due to Ground Water infiltration. We would not support additional flows to this site until work has been done to reduce the frequency of storm overflows. As with Newbury or any site with stretch targets for Phosphorous, any additional loading may impact their ability to meet the environment act objectives. As stated in our suggested amendments and notes on Policy DM7, adequate wastewater treatment infrastructure capacity resources must be available or provided to support all proposed development prior to the occupation. Due to the constraints highlighted for this site, this must be</p>	

				stated in the policy text for site RSA14.	
RSA16	Land North of Southend Road, Bradfield Southend	20 dwellings	The site is on SPZ2+3, secondary A superficial aquifer	We assume wastewater will be discharged at the Reading STW. We have no concerns provided Thames Water are confident any additional flows will not lead to deterioration of phosphate classification. Reading STW is within DWF capacity and not a frequent spiller. The policy notes should include a requirement for developers to liaise with Thames Water to discuss wastewater drainage for the site.	
RSA17	Land at Chieveley Glebe, Chieveley	15 dwellings	The site is on SPZ3, secondary A and principal bedrock aquifers	<p>This site would require a Flood Risk Assessment which demonstrates requirements of NPPF and PPG. This is due to its size (greater than 1 hectare). This requirement should be included in the list of requirements for assessing and developing the site.</p> <p>Developments connecting to Chieveley STW may be problematic as it discharges into The River Lambourn SAC which is an area of nutrient neutrality meaning any additional loads from the STW would need to be offset elsewhere in the catchment. Natural England will be better placed to advise on the specifics of this. Mitigation of additional load will need to be secured before any development can proceed.</p> <p>As stated in our suggested amendments and notes on Policy DM7, adequate wastewater treatment infrastructure capacity resources must be available or provided to support all proposed development prior to the occupation. Due to the constraints highlighted for this site, this must be stated in the policy text for site RSA17.</p>	

RSA18	Pirbright Institute Site, High Street, Compton	140 dwellings, employment floorspace, green infrastructure & community uses	The site is partly Flood Zone 2+3 and there is a main river approx 20m from site. The site is on Source Protection Location on site. SPZ1, principal bedrock aquifer, secondary A superficial aquifer, historic landfill site to NW of site (Churn Road)	<p>Under point k (i.e., the list of requirements to manage flood risk on site) we request adding the following:</p> <p>iii) 'detailed computer modelling of the river Pang which runs to the south of the site will be required to inform development proposals, including the latest Climate Change Allowances.'</p> <p>(Note that the Environment Agency does not currently hold detailed modelling of the Pang in this location).</p> <p>Please refer to the Environment Agency's Approach to Groundwater Protection guidance for the types of development proposals that we would object to within a Principal Aquifer.</p> <p>Compton STW is a high spiller, so this issue needs to be addressed before connecting more flows to the works. Additional flows will lead to an increased instance of storm overflows. Development will lead to a deterioration in Phosphorous so a new permit will be required to prevent this from happening. Mitigation of additional load will need to be secured before any development can proceed. This wastewater drainage constraints should be highlighted for this site and stated in the policy text for site RSA18.</p>	
RSA19	Land west of Spring Meadows, Great Shefford	15 dwellings	The site is on principal bedrock aquifer and secondary aquifer	<p>Developments connecting to East Shefford STW may be problematic. The River Lambourn SAC is an area of nutrient neutrality meaning any additional loads from the STW would need to be offset elsewhere in the catchment. Natural England will be better placed to advise on the specifics of this. East Shefford STW has a 0.1mg/l stretch target for P. East Shefford is an exceptionally high spilling site, mostly due to Ground Water infiltration. We would not support additional flows to this site until work has been done to reduce the frequency of storm overflows. As with Newbury or any site with stretch targets for Phosphorous, any additional loading may impact their ability to meet the environment act objectives. As stated in our suggested amendments and notes on Policy DM7, adequate wastewater treatment infrastructure capacity resources must be available or provided to support all proposed development prior to the occupation. Due to the constraints highlighted for this site, this must be stated in the policy text for site RSA19.</p>	
RSA20	Land off Charlotte Close, Hermitage	15 dwellings	The site is on SPZ3, secondary A bedrock aquifer and secondary aquifer	<p>Developments connecting to Chieveley STW may be problematic as it discharges into The River Lambourn SAC which is an area of nutrient neutrality meaning any additional loads from the STW would need to be offset elsewhere in the catchment. Natural England will be better placed to advise on the specifics of this. Mitigation of additional load will need to be secured before any development can proceed. As stated in our suggested amendments and notes on Policy DM7, adequate wastewater treatment infrastructure capacity resources must be</p>	We encourage the requirement for the development scheme to include opportunities to open up the culvert and contribute to biodiversity net gain

				available or provided to support all proposed development prior to the occupation. Due to the constraints highlighted for this site, this must be stated in the policy text for site RSA20.	
RSA21	Land to the south east of the Old Farmhouse, Hermitage	10 dwellings	The site is on SPZ3, secondary A bedrock aquifer and secondary aquifer	<p>Developments connecting to Chieveley STW may be problematic as it discharges into The River Lambourn SAC which is an area of nutrient neutrality meaning any additional loads from the STW would need to be offset elsewhere in the catchment. Natural England will be better placed to advise on the specifics of this. Mitigation of additional load will need to be secured before any development can proceed.</p> <p>As stated in our suggested amendments and notes on Policy DM7, adequate wastewater treatment infrastructure capacity resources must be available or provided to support all proposed development prior to the occupation. Due to the constraints highlighted for this site, this must be stated in the policy text for site RSA21.</p>	We encourage the requirement for the development scheme to include opportunities to open up the culvert and contribute to biodiversity net gain
RSA22	Land adjacent Station Road, Hermitage	34 dwellings	The site is on SPZ3, secondary A bedrock aquifer	<p>Developments connecting to Chieveley STW may be problematic as it discharges into The River Lambourn SAC which is an area of nutrient neutrality meaning any additional loads from the STW would need to be offset elsewhere in the catchment. Natural England will be better placed to advise on the specifics of this. Mitigation of additional load will need to be secured before any development can proceed.</p> <p>As stated in our suggested amendments and notes on Policy DM7, adequate wastewater treatment infrastructure capacity resources must be available or provided to support all proposed development prior to the occupation. Due to the constraints highlighted for this site, this must be stated in the policy text for site RSA22.</p>	
RSA23	Land adjoining The Haven, Kintbury	20 dwellings	The site is on SPZ3, secondary A and principal bedrock aquifers	<p>This site would require a Flood Risk Assessment which demonstrates requirements of NPPF and PPG. This is due to its size (greater than 1 hectare. WBDC Confirm?). This requirement should be included in the list of requirements for assessing and developing the site.</p> <p>Kintbury STW is a high spilling site, so actions to address this are required. Development will lead to a deterioration in Phosphorous so a new and tighter permit will be required to prevent this from happening. Mitigation of additional load will need to be secured before any development can proceed. Due to the constraints highlighted for this site, this must be stated in the policy text for site RSA23.</p>	

RSA24	New Stocks Farm, Paices Hill, Aldermaston	Gypsy & Traveller Site: 8 pitches	Historic landfill site adjacent (Cross Lane Gully), drinking water protection, SPZ3, secondary A bedrock aquifer	<p>There is a historic landfill historic landfill next to site which means that any significant foundations or ground excavations at the site may lead to creation of a pathway for pollutants within the landfill to reach groundwater. We refer the LPA to the Environment Agency's Approach to Groundwater Protection guidance Which highlights our requirements for developments on landfill sites.</p> <p>Developers at any allocated sites located on a historic landfill would need to make enquiries regarding potential requirements under the Environmental Permitting Regulations 2016.</p> <p>It is not clear to us that this site would connect to a STW as it is quite far from any Thames Water sewers. Therefore, any wastewater drainage proposal for this site must be clearly stated as well as all mitigation measures proposed to ensure wastewater disposal from the development will not have a negative impact on sensitive receptors. These should be secured before any development can proceed.</p>	
RSA25	Long Copse Farm, Enborne	Travelling Showpersons yard: 24 plots	This site is on SPZ2+3, secondary A bedrock aquifer	<p>Point 'k' states "No caravans will be permitted within Flood Zones 2 and 3 at the northern edge of the site". While we support this as caravans are classed as 'highly vulnerable' under NPPF, there is no Flood zone 2/3 within the site (as per the red line boundary on page 137). Can this be confirmed?</p> <p>It is not clear to us that this site would connect to a STW as it is quite far from any Thames Water sewers. Therefore, any wastewater drainage proposal for this site must be clearly stated as well as all mitigation measures proposed to ensure wastewater disposal from the development will not have a negative impact on sensitive receptors. These should be secured before any development can proceed.</p>	
ESA1	Land east of Colthrop Industrial Estate, Thatcham	20,400 square metres of employment floorspace for B2 and/or B8 uses	This site is on SPZ3, secondary A superficial aquifer	<p>We would not support any additional flows entering the Newbury STW - a known high spiller until significant work has been done to tackle the causes of the frequent spills. As stated in our suggested amendments and notes on Policy DM7, adequate wastewater treatment infrastructure capacity resources must be available or provided to support all proposed development prior to the occupation. Due to the constraints highlighted for this site, this must be stated in the policy text for site ESA1. (Please take notes of the details provided under RSA1 regarding wastewater discharge constraints).</p>	

ESA2	Land west of Ramsbury Road, Membury Industrial Estate, Lambourn Woodlands	10,381 square metres of employment floorspace for B2 and/or B8 uses	This site is on Principal bedrock aquifer	Developments connecting to East Shefford STW may be problematic. The River Lambourn SAC is an area of nutrient neutrality meaning any additional loads from the STW would need to be offset elsewhere in the catchment. Natural England will be better placed to advise on the specifics of this. East Shefford STW has a 0.1mg/l stretch target for P. East Shefford is an exceptionally high spilling site, mostly due to Ground Water infiltration. We would not support additional flows to this site until work has been done to reduce the frequency of storm overflows. As with Newbury or any site with stretch targets for Phosphorous, any additional loading may impact their ability to meet the environment act objectives. As stated in our suggested amendments and notes on Policy DM7, adequate wastewater treatment infrastructure capacity resources must be available or provided to support all proposed development prior to the occupation. Due to the constraints highlighted for this site, this must be stated in the policy text for site ESA2.	
ESA3	Land to the south of Trinity Grain, Membury Industrial Estate, Lambourn Woodlands	5,200 square metres of employment floorspace for B2 and/or E(g)(iii)	This site is on Principal bedrock aquifer	Developments connecting to East Shefford STW may be problematic. The River Lambourn SAC is an area of nutrient neutrality meaning any additional loads from the STW would need to be offset elsewhere in the catchment. Natural England will be better placed to advise on the specifics of this. East Shefford STW has a 0.1mg/l stretch target for P. East Shefford is an exceptionally high spilling site, mostly due to Ground Water infiltration. We would not support additional flows to this site until work has been done to reduce the frequency of storm overflows. As with Newbury or any site with stretch targets for Phosphorous, any additional loading may impact their ability to meet the environment act objectives. As stated in our suggested amendments and notes on Policy DM7, adequate wastewater treatment infrastructure capacity resources must be available or provided to support all proposed development prior to the occupation. Due to the constraints highlighted for this site, this must be stated in the policy text for site ESA3.	

ESA4	Beenham Landfill, Pips Way, Beenham	14,000 square metres of employment floorspace for B2 and/or B8	This site is on Historic landfill sites, COMAH, SPZ2+3,	<p>This site is located on top of a historic landfill which means that any significant foundations or ground excavations at the site may lead to creation of a pathway for pollutants within the landfill to reach groundwater.</p> <p>We refer the LPA to the Environment Agency's Approach to Groundwater Protection guidance which highlights our requirements for developments on landfill sites.</p> <p>Developers at any allocated sites located on a historic landfill would need to make enquiries regarding potential requirements under the Environmental Permitting Regulations 2016.</p> <p>We assume wastewater will be discharged at the Reading STW. We have no concerns provided Thames Water are confident any additional flows will not lead to deterioration of phosphate classification. Reading STW is within DWF capacity and not a frequent spiller. The policy notes should include a requirement for developers to liaise with Thames Water to discuss wastewater drainage for the site.</p>	
ESA5	Northway Porsche, Grange Lane, Beenham	6,400 square metres of employment floorspace for B2 and/or E(g)(iii) uses	This site is on SPZ2+3, secondary A superficial aquifer. Within 150m from historic landfill site	<p>There is a historic landfill historic landfill next to site which means that any significant foundations or ground excavations at the site may lead to creation of a pathway for pollutants within the landfill to reach groundwater. We refer the LPA to the Environment Agency's Approach to Groundwater Protection guidance Which highlights our requirements for developments on landfill sites.</p> <p>Developers at any allocated sites located on a historic landfill would need to make enquiries regarding potential requirements under the Environmental Permitting Regulations 2016.</p> <p>We assume wastewater will be discharged at the Reading STW. We have no concerns provided Thames Water are confident any additional flows will not lead to deterioration of phosphate classification. Reading STW is within DWF capacity and not a frequent spiller. The policy notes should include a requirement for developers to liaise with Thames Water to discuss wastewater drainage for the site.</p>	

ESA6	Land adjacent to Padworth IWMF, Padworth Lane, Padworth	12,400 square metres of employment floorspace for B2 and/or B8 uses	This site is on SPZ2+3, secondary A superficial aquifer, next to historic landfill site	<p>There is a historic landfill historic landfill next to site which means that any significant foundations or ground excavations at the site may lead to creation of a pathway for pollutants within the landfill to reach groundwater. We refer the LPA to the Environment Agency's Approach to Groundwater Protection guidance Which highlights our requirements for developments on landfill sites.</p> <p>Developers at any allocated sites located on a historic landfill would need to make enquiries regarding potential requirements under the Environmental Permitting Regulations 2016.</p> <p>We assume wastewater will be discharged at the Reading STW. We have no concerns provided Thames Water are confident any additional flows will not lead to deterioration of phosphate classification. Reading STW is within DWF capacity and not a frequent spiller. The policy notes should include a requirement for developers to liaise with Thames Water to discuss wastewater drainage for the site.</p>	
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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

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- Part B - Your representation(s): please fill in a separate sheet for each representation you wish to make

PART A: Your Details

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	Your details	Agent's details (if applicable)
Title:	Miss	
First Name:*	Judith	
Last Name:*	Montford	
Job title (where relevant):	Planner	
Organisation (where relevant):	Environment Agency	
Address* <i>Please include postcode:</i>	Environment Agency Red Kite House, Howbery Park, Benson Lane, Crowmarsh, OX10 8BD	
Email address:*	Planning_THM@environment-agency.gov.uk	
Telephone number:	[REDACTED]	

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

Section/paragraph:	
Policy:	Policy DM5 Environmental Nuisance and Pollution Control
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:

Regarding the Spatial Strategy, a Strategic Environmental Assessment (SEA) has been carried out, as part of the Local Plan appraisal process to promote sustainable environmental considerations in the preparation of the local plan.

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		X
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		X

Please give reasons for your answer:

Policy DM5 Environmental Nuisance and Pollution Control

We previously stated that there should be a policy requiring robust evidence regarding investigation and remedial measures to prevent discharge to groundwater aquifers through land affected by contamination. We have reviewed **Policy DM5 Environmental Nuisance and Pollution Control** and some texts should be included in the policy to ensure that ground and surface waters are protected from pollution as required by national policy- NPPF section 15.

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 Council (Under Section 33A of the Planning and Compulsory Purchase Act) in its Duty to Cooperate with other prescribed bodies/key agencies when preparing the LPR in order to address strategic planning issues relevant to their areas has engaged generally with the Environment Agency during the Plan making process.

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.

Policy DM5 Environmental Nuisance and Pollution Control

We previously stated that there should be a policy requiring robust evidence regarding investigation and remedial measures to prevent discharge to groundwater aquifers through land affected by contamination. We have reviewed Policy DM5 and section 10.49 of the justification notes for policy DM5 it states;

“To this end, appropriate conditions may be imposed requiring certain remedial measures prior to construction or appropriate design and wastewater management schemes.”

Whilst this is satisfactory, we suggest the following wording instead of the current wording; (changes in red):

*‘To this end, appropriate conditions may be imposed requiring certain remedial measures prior to construction **and** ~~or~~ appropriate design **of and** wastewater **and surface water run-off** management schemes.’*

This is to ensure *all* sensitive water resources and controlled waters are protected which is consistent with paragraphs 170 and 178 of the NPPF.

Secondly Section 1.23 provides details regarding evidence base which supports the policies in the local plan. We note that there is no information on groundwater protection needs within the Evidence Base. The Evidence Base includes the Brownfield Register which gives an indication of where the land has been used for activities that may have caused contamination of the land. However, information on details/assessments prepared to protect associated groundwater resources is also required and whilst an assessment has not been carried out, it is important to ensure through policy that ground and surface waters are protected from pollution. This is due to high risks to groundwater quality within West Berkshire, particularly given the River Lambourn Nutrient Neutrality Zone. Also a Chalk stream, the River Lambourn and tributaries are highly dependent on groundwater

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 attend the examination for an opportunity to explain the need for sensitive water resources and controlled waters to be protected which is consistent with national 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	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.

Signature		Date	2 March 2023
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Last Name:*	Montford	
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Address* <i>Please include postcode:</i>	Environment Agency Red Kite House, Howbery Park, Benson Lane, Crowmarsh, OX10 8BD	
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Telephone number:	[REDACTED]	

**Mandatory field*

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Your name or organisation (and client if you are an agent):	
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Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	
Policy:	Policy DM6 - Water quality
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:

Regarding the Spatial Strategy, a Strategic Environmental Assessment (SEA) has been carried out, as part of the Local Plan appraisal process to promote sustainable environmental considerations in the preparation of the local plan.

2. Soundness

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

Do you consider the Local Plan Review is sound?

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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		X
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		X

Please give reasons for your answer:

Policy DM6 Water quality

We have reviewed policy DM6 – Water Quality and additional wording and some amendments to the policy justification texts are required to ensure sensitive water resources and controlled waters are protected which is consistent with paragraphs 170 and 178 of the NPPF.

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 Council (Under Section 33A of the Planning and Compulsory Purchase Act) in its Duty to Cooperate with other prescribed bodies/key agencies when preparing the LPR in order to address strategic planning issues relevant to their areas has engaged generally with the Environment Agency during the Plan making process.

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.

Policy DM6 Water quality

We suggest the following additional wording like that of section 10.59 to be included in the justification text of policy DM6.

'Most foul water is removed from a development site by a mains sewer. However, where this is not the case, foul water is usually treated on site and then discharged either to ground to filter away from the site, or into a nearby watercourse. If the treated water is discharge to ground, it has the potential to impact on water quality sensitive features, particularly by increasing the already high nitrate concentrations. The Environment Agency's publication 'General binding rules: small sewage discharge to groundwater (2021) stipulates that the general binding rules can only be met if the discharge is less than 2 cubic metres per day and via a shallow drainage field located, designed, and constructed in line with the recommendations in British Standard BS 6297:2007. If it is identified that a planning application could affect groundwater, the potential impact on water quality will need to be investigated and include a mitigation strategy which demonstrates how the applicant will reduce the negative effects of their proposal and show how they will implement risk reduction measures.'

An alteration of the wording of the penultimate bullet point is required since contaminated land has a specific meaning in legislation. We suggest the following;

- works to restore *land contamination contaminated land* where applicable;

This is to ensure sensitive water resources and controlled waters are protected which is consistent with paragraphs 170 and 178 of the NPPF.

In support of the above point made, we are pleased to see in section 10.62 of Policy DM6, Water quality the inclusion of the following text as requested previously; *"Developments should allow sufficient shallow drainage areas if infiltration is to be used. The use of deep soakaways for infiltration (e.g. boreholes) are not a recognised SUDS solution and may be refused a permit. This is to protect groundwater quality."*

We mentioned previously that the SSSIs and SAC designations need extra standards of Common Standards Monitoring (CSM), which sets higher standards than WFD for water quality. This has not been mentioned in the plan. We ask that this is included/added in the plan to ensure the designated areas meet the higher water quality standards which are set compared the Water Framework Directive. The River Kennet Site of Special Scientific Interest (SSSI), the River Lambourn SSSI and Special Area of Conservation (SAC) and a number of SSSI and SAC wetland habitats within the Kennet floodplain are globally important chalk streams.

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 attend the examination for an opportunity to explain the need for these sensitive water resources and controlled waters in West Berkshire to protected which is consistent with paragraphs 170 and 178 of the NPPF.

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

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Signature 	Date 2 March 2023
--	--------------------------

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*Mandatory field

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

Section/paragraph:	
Policy:	
Appendix:	
Policies Map:	
Other:	Watercourse-specific policy

1. Legally Compliant

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Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

Regarding the Spatial Strategy, a Strategic Environmental Assessment (SEA) has been carried out, as part of the Local Plan appraisal process to promote sustainable environmental considerations in the preparation of the local plan.

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Please tick all that apply:

NPPF criteria	Yes	No
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Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		X
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		X

Please give reasons for your answer:

Watercourse-specific policy

We stated in our response at the regulation 18 consultation that a standalone water course policy should be included in this local plan. This is to provide more protection for the water environment in West Berkshire as required by NPPF Section 15. This is particularly important given the nationally and internationally protected sites that includes the River Kennet Site of Special Scientific Interest (SSSI), the River Lambourn SSSI and Special Area of Conservation (SAC) and a number of SSSI and SAC wetland habitats within the Kennet floodplain.

There are some nearby local authorities which have specific wording protecting water bodies such as the below which we refer the LPA to, to assist in drafting a watercourse protection policy.

- South Oxfordshire Local Plan 2011 – 2035: adopted Dec 2020 (Particularly Policy ENV4: Watercourses) [SODC-LP2035-Publication-Feb-2021.pdf](https://www.southoxon.gov.uk/sites/default/files/2021-02/SODC-LP2035-Publication-Feb-2021.pdf) ([southoxon.gov.uk](https://www.southoxon.gov.uk))
- Vale of Aylesbury Local Plan (VALP) 2013 – 2033: adopted September 2021. Particularly Policy NE2: River and Stream Corridors [Vale of Aylesbury Local Plan \(VALP\)](https://www.buckinghamshire.gov.uk/s3.amazonaws.com/valp2013-2033/policy-ne2-river-and-stream-corridors.pdf) ([buckinghamshire.gov.uk.s3.amazonaws.com](https://www.buckinghamshire.gov.uk/s3.amazonaws.com))

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 Council (Under Section 33A of the Planning and Compulsory Purchase Act) in its Duty to Cooperate with other prescribed bodies/key agencies when preparing the LPR in order to address strategic planning issues relevant to their areas has engaged generally with the Environment Agency during the Plan making process.

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.

Watercourse-specific policy

We have referred the LPA to some good examples policies to assist with drafting a watercourse protection policy. We are happy to work with the LPA to write this policy. The below should be considered when this policy is being written.

Any development which contains or is adjacent to a watercourse need to provide a buffer zone of at least 10 metres, measured from the top of the bank. This buffer zone needs to be provided on both sides of any watercourse. There is a particularly important need for this in this area as there is several protected sites in West Berkshire local authority. Only in exceptional circumstances such as urbanisation where, providing a 10 m buffer may be challenging should a smaller buffer be negotiated and be permitted if there is sufficient biodiversity enhancement, and a plan is agreed with the local planning authority. Otherwise, and as a last resort, biodiversity net gain will need to be provided off-site.

This buffer zone should be planted with native species of plants and be free from any type of development, including parking spaces and domestic gardens. There should be a plan provided of how the buffer zone will be maintained for the short, medium and long term. This should be in the form of a Construction Environment Management Plan which should be agreed with the local planning authority before commencement of development.

The above is important because buffer zones provide habitat and an ecological corridor for species to be able to move between habitats with ease, as well as contributing to biodiversity net gain. Buffer zones allow rivers to go through natural processes such as erosion and deposition of material, which also contributes to the promotion of natural processes of the watercourse.

Options to de-culvert watercourses should be actively pursued. Culverting has a significant impact on the ecology of the watercourse. Planning permission will only be granted for proposals which do not involve culverting of watercourses, and which do no prejudice future opportunities for de-culverting.

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 attend the examination for an opportunity to explain the need for a stand-alone watercourse protection policy due to the unique nature of the water environment - (includes the River Kennet Site of Special Scientific Interest (SSSI), the River Lambourn SSSI and Special Area of Conservation (SAC) and a number of SSSI and SAC wetland habitats) in West Berkshire.

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.

Signature		Date	2 March 2023
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First Name:*	Judith	
Last Name:*	Montford	
Job title <i>(where relevant):</i>	Planner	
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Your name or organisation (and client if you are an agent):	
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Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	
Policy:	Policy DM20 - Gypsies, Travellers and Travelling Showpeople
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:

Regarding the Spatial Strategy, a Strategic Environmental Assessment (SEA) has been carried out, as part of the Local Plan appraisal process to promote sustainable environmental considerations in the preparation of the local plan.

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

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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		X

Please give reasons for your answer:

Policy DM20 - Gypsies, Travellers and Travelling Showpeople

We have reviewed Policy DM20 - Gypsies, Travellers and Travelling Showpeople, and as part of the criteria required to satisfy proposals for this type of development, point vii states, "Development avoids areas of high flood risk and if required provide a Flood Risk Assessment, in accordance with Policy SP6: "

As caravans are classed as 'highly vulnerable' under NPPF, we ask that the following wording is added to point vii to read;

vii. 'Development avoids areas of high flood risk and if required provide a Flood Risk Assessment, in accordance with Policy SP6: "*Caravans are not permitted in Flood Zone 3 as per Table 2 of the Planning Practice Guidance*'.

This is to ensure the policy is fully compliant 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

No

Please give reasons for your answer:

The Council (Under Section 33A of the Planning and Compulsory Purchase Act) in its Duty to Cooperate with other prescribed bodies/key agencies when preparing the LPR in order to address strategic planning issues relevant to their areas has engaged generally with the Environment Agency during the Plan making process.

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.

Policy DM20 - Gypsies, Travellers and Travelling Showpeople

Caravans (associated with Gypsies, Travellers and Travelling Showpeople developments) are classed as 'highly vulnerable' under NPPF, we ask that the following wording is added to point vii as stated above. Including the suggested wording above will ensure the policy is fully compliant with National Planning Policy.

“Development avoids areas of high flood risk and if required provide a Flood Risk Assessment, in accordance with Policy SP6. Caravans will not be or are not permitted in Flood Zone 3 as per Table 2 of the Planning Practice Guidance”.

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 attend the examination for an opportunity to explain the need to include the suggested wording to ensure these types of developments are not at risk of flooding.

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.

Signature		Date	2 March 2023
------------------	---	-------------	---------------------

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



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:

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- *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:	Miss	
First Name:*	Judith	
Last Name:*	Montford	
Job title (where relevant):	Planner	
Organisation (where relevant):	Environment Agency	
Address* <i>Please include postcode:</i>	Environment Agency Red Kite House, Howbery Park, Benson Lane, Crowmarsh, OX10 8BD	
Email address:*	Planning_THM@environment-agency.gov.uk	
Telephone number:	██████████	

*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):	
---	--

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

Section/paragraph:	
Policy:	Policy DM24 - Conversion of Existing Redundant or Disused Buildings in the Countryside to Residential Use
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

X

No

Please give reasons for your answer:

Regarding the Spatial Strategy, a Strategic Environmental Assessment (SEA) has been carried out, as part of the Local Plan appraisal process to promote sustainable environmental considerations in the preparation of the local plan.

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		X

Please give reasons for your answer:

Policy DM24 - Conversion of Existing Redundant or Disused Buildings in the Countryside to Residential Use

We have reviewed Policy DM24 - Conversion of Existing Redundant or Disused Buildings in the Countryside to Residential Use, and to strengthen this policy text to ensure that it is sustainably viable and adheres to national policy, we ask that it includes points to ensure any proposed conversion development is not at risk of flooding and would not cause any detrimental impact to sensitive receptors. See the suggested wording in section 4.

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

X

No

Please give reasons for your answer:

The Council (Under Section 33A of the Planning and Compulsory Purchase Act) in its Duty to Cooperate with other prescribed bodies/key agencies when preparing the LPR in order to address strategic planning issues relevant to their areas has engaged generally with the Environment Agency during the Plan making process.

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.

Policy DM24 - Conversion of Existing Redundant or Disused Buildings in the Countryside to Residential Use

To strengthen this policy text to ensure that it adheres to national policy, we ask that it includes these bullet points (the criteria required to satisfy proposals for this type of development) suggested below to ensure any proposed conversion development is not at risk of flood risk and would not cause any detrimental impact to sensitive receptors.

- 'Development avoids areas of high flood risk and adheres to the requirements of PPG and NPPF and if required provide a Flood Risk Assessment, in accordance with Policy SP6
- Development will address all environmental concerns/constraints such as wastewater drainage, to ensure the development is sustainable.'

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 attend the examination for an opportunity to explain the need to include the suggested wording to ensure these types of developments are not at risk of flooding and would not have a negative impact on sensitive receptors.

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.

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



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.*
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- *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:	Miss	
First Name:*	Judith	
Last Name:*	Montford	
Job title (where relevant):	Planner	
Organisation (where relevant):	Environment Agency	
Address* <i>Please include postcode:</i>	Environment Agency Red Kite House, Howbery Park, Benson Lane, Crowmarsh, OX10 8BD	
Email address:*	Planning_THM@environment-agency.gov.uk	
Telephone number:	██████████	

*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):	
---	--

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

Section/paragraph:	
Policy:	Policy DM25 - Replacement of Existing Dwellings in the Countryside
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:

Regarding the Spatial Strategy, a Strategic Environmental Assessment (SEA) has been carried out, as part of the Local Plan appraisal process to promote sustainable environmental considerations in the preparation of the local plan.

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		X

Please give reasons for your answer:

Policy DM25 - Replacement of Existing Dwellings in the Countryside

We have reviewed Policy DM25 - Replacement of Existing Dwellings in the Countryside and to strengthen this policy text to ensure that it is also sustainably viable and adheres to national policy, we ask that it includes points to ensure any proposed development is not at risk of flooding and would not cause any detrimental impact to sensitive receptors. See the suggested wording in section 4.

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 Council (Under Section 33A of the Planning and Compulsory Purchase Act) in its Duty to Cooperate with other prescribed bodies/key agencies when preparing the LPR in order to address strategic planning issues relevant to their areas has engaged generally with the Environment Agency during the Plan making process.

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.

Policy DM25 - Replacement of Existing Dwellings in the Countryside

To strengthen this policy text to ensure that it is sustainably viable and adheres to national policy, we ask that it includes these bullet points (the criteria required to satisfy proposals for this type of development) suggested below to ensure any proposed development is not at risk of flooding and would not cause any detrimental impact to sensitive receptors.

- 'Development avoids areas of high flood risk and adheres to the requirements of PPG and NPPF and if required provide a Flood Risk Assessment, in accordance with Policy SP6
- Development will address all environmental concerns/constraints such as wastewater drainage, to ensure the development is sustainable.'

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 attend the examination for an opportunity to explain the need to include the suggested wording to ensure these types of developments are not at risk of flooding and would not have a negative impact on sensitive receptors.

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.

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



West Berkshire Local Plan Review 2022-2039
Proposed Submission Representation Form

Ref:

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	By post: Planning Policy, Development and Regulation, Council Offices, Market Street, Newbury, RG14 5LD
Return by:	4:30pm on Friday 3 March 2023

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PART A: Your Details

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	Your details	Agent's details (if applicable)
Title:	Miss	
First Name:*	Judith	
Last Name:*	Montford	
Job title (where relevant):	Planner	
Organisation (where relevant):	Environment Agency	
Address* <i>Please include postcode:</i>	Environment Agency Red Kite House, Howbery Park, Benson Lane, Crowmarsh, OX10 8BD	
Email address:*	Planning_THM@environment-agency.gov.uk	
Telephone number:	██████████	

*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.

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Your name or organisation (and client if you are an agent):	
---	--

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

Section/paragraph:	
Policy:	Policy DM28 - Residential Extensions
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:

Regarding the Spatial Strategy, a Strategic Environmental Assessment (SEA) has been carried out, as part of the Local Plan appraisal process to promote sustainable environmental considerations in the preparation of the local plan.

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		X

Please give reasons for your answer:

Policy DM28-Residential Extensions

We have reviewed Policy DM28-Residential Extensions and to strengthen this policy text to ensure that it is sustainably viable and adheres to national policy, we ask that it includes points to ensure any proposed development is not at risk of flood risk and would not cause any detrimental impact to sensitive receptors. See the suggested wording in section 4.

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 Council (Under Section 33A of the Planning and Compulsory Purchase Act) in its Duty to Cooperate with other prescribed bodies/key agencies when preparing the LPR in order to address strategic planning issues relevant to their areas has engaged generally with the Environment Agency during the Plan making process.

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.

Policy DM28-Residential Extensions

To strengthen this policy text to ensure that it is sustainably viable and adheres to national policy, we ask that it includes these bullet points (the criteria required to satisfy proposals for this type of development) suggested below to ensure any proposed residential extensions is not at risk of flooding and would not cause any detrimental impact to sensitive receptors.

- 'Development avoids areas of high flood risk and adheres to the requirements of PPG and NPPF and if required provide a Flood Risk Assessment, in accordance with Policy SP6
- Development will address all environmental concerns/constraints such as wastewater drainage, to ensure the development is sustainable.'

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 attend the examination for an opportunity to explain the need to include the suggested wording to ensure these types of developments are not at risk of flooding and would not have a negative impact on sensitive receptors.

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.

Signature		Date	3 March 2023
------------------	---	-------------	---------------------

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Proposed Submission Representation Form

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Return by:	4:30pm on Friday 3 March 2023

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	Your details	Agent's details (if applicable)
Title:	Miss	
First Name:*	Judith	
Last Name:*	Montford	
Job title (where relevant):	Planner	
Organisation (where relevant):	Environment Agency	
Address* <i>Please include postcode:</i>	Environment Agency Red Kite House, Howbery Park, Benson Lane, Crowmarsh, OX10 8BD	
Email address:*	Planning_THM@environment-agency.gov.uk	
Telephone number:	██████████	

*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.

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Your name or organisation (and client if you are an agent):	
---	--

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

Section/paragraph:	
Policy:	Policy DM29 - Residential Annexes
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:

Regarding the Spatial Strategy, a Strategic Environmental Assessment (SEA) has been carried out, as part of the Local Plan appraisal process to promote sustainable environmental considerations in the preparation of the local plan.

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		X

Please give reasons for your answer:

Policy DM29 - Residential Annexes

We have reviewed Policy DM29 - Residential Annexes and to strengthen this policy text to ensure that it is sustainably viable and adheres to national policy, we ask that it includes points to ensure any proposed development is not at risk of flooding and would not cause any detrimental impact to sensitive receptors. See the suggested wording in section 4.

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 Council (Under Section 33A of the Planning and Compulsory Purchase Act) in its Duty to Cooperate with other prescribed bodies/key agencies when preparing the LPR in order to address strategic planning issues relevant to their areas has engaged generally with the Environment Agency during the Plan making process.

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.

Policy DM29 - Residential Annexes

To strengthen this policy to ensure that it adheres to national policy, we ask that it includes these bullet points (the criteria required to satisfy proposals for this type of development) suggested below to ensure any proposed development is not at risk of flooding and would not cause any detrimental impact to sensitive receptors.

- 'Development avoids areas of high flood risk and adheres to the requirements of PPG and NPPF and if required provide a Flood Risk Assessment, in accordance with Policy SP6
- Development will not result in any detrimental impact on sensitive receptors. The development will satisfactorily address all environmental issues such as wastewater drainage, to ensure the sustainability of the development.'

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 attend the examination for an opportunity to explain the need to include the suggested wording to ensure these types of developments are not at risk of flooding and would not have a negative impact on sensitive receptors.

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.

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



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:	Miss	
First Name:*	Judith	
Last Name:*	Montford	
Job title (where relevant):	Planner	
Organisation (where relevant):	Environment Agency	
Address* <i>Please include postcode:</i>	Environment Agency Red Kite House, Howbery Park, Benson Lane, Crowmarsh, OX10 8BD	
Email address:*	Planning_THM@environment-agency.gov.uk	
Telephone number:	██████████	

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

Section/paragraph:	
Policy:	Policy DM37 - Equestrian and Horseracing industry Equestrian Development
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

X

No

Please give reasons for your answer:

Regarding the Spatial Strategy, a Strategic Environmental Assessment (SEA) has been carried out, as part of the Local Plan appraisal process to promote sustainable environmental considerations in the preparation of the local plan.

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		X

Please give reasons for your answer:

Policy DM37 - Equestrian and Horseracing industry Equestrian Development

We have reviewed Policy DM37 - Equestrian and Horseracing industry Equestrian Development and to strengthen this policy text to ensure that it is sustainably viable and adheres to national policy, we ask that it includes points to ensure any proposed development is not at risk of flood risk and would not cause any detrimental impact to sensitive receptors. See the suggested wording in section 4.

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 Council (Under Section 33A of the Planning and Compulsory Purchase Act) in its Duty to Cooperate with other prescribed bodies/key agencies when preparing the LPR in order to address strategic planning issues relevant to their areas has engaged generally with the Environment Agency during the Plan making process.

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.

Policy DM37 - Equestrian and Horseracing industry Equestrian Development

To strengthen this policy text to ensure that it is sustainably viable and adheres to national policy, we ask that it includes these bullet points (the criteria required to satisfy proposals for this type of development) suggested below to ensure any proposed Equestrian development is not at risk of flood risk and would not cause any detrimental impact to sensitive receptors.

- 'Development avoids areas of high flood risk and adheres to the requirements of PPG and NPPF and if required provide a Flood Risk Assessment, in accordance with Policy SP6
- Development will address all environmental concerns/constraints such as wastewater drainage, to ensure the development is sustainable.'

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 attend the examination for an opportunity to explain the need to include the suggested wording to ensure these types of developments are not at risk of flooding and would not have a negative impact on sensitive receptors.

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.

Signature		Date	3 March 2023
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