

From: [REDACTED]
To: [PlanningPolicy](#)
Subject: West Berks Local Plan Review - Consultation responses
Date: 02 March 2023 19:29:16
Attachments: [4 Housing Delivery SP12 Proposed Submission West Berks LPR Comment Form - 20th January.doc](#)
[8 New Site Proposed Submission West Berks LPR Comment Form - 20th January.doc](#)
[5 Lambourn SP15 Proposed Submission West Berks LPR Comment Form - 20th January.doc](#)
[7 Sec 6 Table 2 Proposed Submission West Berks LPR Comment Form - 20th January.doc](#)
[6 Neigh Plans Policy SP15 Proposed Submission West Berks LPR Comment Form - 20th January.doc](#)
[9 RSA 22 Lych Lane Proposed Submission West Berks LPR Comment Form - 20th January.doc](#)
[10 RSA 23 Newbury Rd Proposed Submission West Berks LPR Comment Form - 20th January.doc](#)
[11 Appx 3 Sett Bounds Proposed Submission West Berks LPR Comment Form - 20th January.doc](#)
[1 Duty to Copoperate Proposed Submission West Berks LPR Comment Form - 20th January.doc](#)
[2 Spatial Strategy SP 1 Proposed Submission West Berks LPR Comment Form - 20th January.doc](#)
[3 Sett Hierarchy SP3 Proposed Submission West Berks LPR Comment Form - 20th January.doc](#)

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

Please find enclosed eleven consultation response forms in respect of the above.
M.Carter

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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

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:	Mr	Mr
First Name:*	R.L. A.	Mark
Last Name:*	Jones	Carter
Job title (where relevant):		Planning Consultant
Organisation (where relevant):		Carter Planning Limited
Address* <i>Please include postcode:</i>	[REDACTED]	[REDACTED]
Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[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):	Mr Mark Carter of Carter Planning Limited for Mr R L A Jones
---	--

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

Section/paragraph:	Section 4
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:

2. Soundness

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

Do you consider the Local Plan Review is sound?

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

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring		✓

areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

Whilst much of Policy SP 1 is unobjectionable, and can be supported, objection is raised to the mechanisms for the allocation of housing in Lambourn.

We are pleased to see that the very last sentence of SP1 proposed in the Regulation 18 version has now been deleted.

“Allocations for housing for Hungerford, Lambourn, Compton and Hermitage will be made through Neighbourhood Development Plans”.

That was an abrogation of the function of this Draft Plan Review set in Policy. Neighbourhood Plans should not be making housing allocations, that is a function of the Draft Plan Review, and indeed some such sites, if suggested, may cut across the policies of the LPR.

However the provisions for housing now are vague and do not give the certainty required from the Plan.

The Draft LPR now states :-*“Additional development will come forward on both large strategic sites and smaller non-strategic sites allocated in the Local Plan Review LPR and in some neighbourhood plans, together with infill development, including that on windfall sites within settlement boundaries”.*

Indeed Paragraph 4.19 states that housing will “in part” be provided through Neighbourhood Plans. Currently there is no adopted Neighbourhood Plan for Lambourn. If the task of allocating housing sites is left to Neighbourhood Plans, especially in Lambourn, either that Plan may not come forward or, more likely, local residents will not want additional housing in their locality leaving the housing requirement unsatisfied.

It is very unlikely that the statement in Paragraph 1.17 can be achieved namely that Neighbourhood Plans can promote more housing (but not less).

Similarly there should not be any prohibition on sites adjoining the settlement boundary to allow for development contemplated by the NPPF. These sites will especially be required if proposed housing sites do not come forward.

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:

Please see other submissions on this specific point.

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 reliance on allocations through the Neighbourhood Plan process in Policy, albeit watered down from the Consultation Version, together with the prohibition on edge of settlement sites, raises questions as to whether the objectively assessed housing needs will be met within the Plan period increasing pressures on other areas and settlements to meet the unmet need.

The Council should allocate all housing sites through this Draft LPR and not leave the task to Neighbourhood Plans. Amend the provisions of Policy SP1 accordingly.

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 do not consider the LPR is sound and would like to participate in the examination

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

6. Notification of Progress of the Local Plan Review

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

Please tick all that apply:

Tick

The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

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

Signature	M.Carter for Carter Planning Limited	Date	03/03/2023
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Your name or organisation (and client if you are an agent):	Mr Mark Carter of Carter Planning Limited for Mr R L A Jones
---	--

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

Section/paragraph:	Section 4 Development Strategy
Policy:	Policy SP3 S- ettlement Hierarchy and Table 1
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:

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,	<input checked="" type="checkbox"/>	<input type="checkbox"/>

seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence	✓	
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground	✓	
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF	✓	

Please give reasons for your answer:

Support.

We welcome the re-incorporation of Lambourn as a “Rural Service Centre” (see also Paragraph 4.18) with the ability to meet local housing needs through the allocation of housing sites. Indeed Lambourn can fulfil Strategic Objective 2 to provide a range of housing and sites for housing.

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:

Please see other submissions on this specific point

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.

NA

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 do not consider the LPR is generally sound and would like to participate in the examination. See our other representations.

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

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

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Signature	M.Carter for Carter Planning Limited	Date	03/03/2023
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First Name:*	R.L. A.	Mark
Last Name:*	Jones	Carter
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Address* Please include postcode:	[REDACTED]	[REDACTED]
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Your name or organisation (and client if you are an agent):	Mark Carter of Carter Planning Limited for Mr R L A Jones
---	---

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

Section/paragraph:	6 Housing Delivery
Policy:	
Appendix:	
Policies Map:	
Other:	Table 2

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:

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,		<input checked="" type="checkbox"/>

seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

Objection

Notwithstanding our comments on the overall housing figure in respect of Policy SP12 we wish to raise a specific objection to “Table 2 – Housing Supply at March 2022”. (Previously 2020).

This Table has deleted “Allocations without permission” and instead increased the windfalls.

In detail, and in particular under sites in Lambourn at policies HAS 19 and 20, and in separate representations we have explained why two sites included in the previous Plan have not come forward and should be deleted. We are pleased to see that the Sandleford Park and in particular “HSA DPD sites” which were to supply a total of 1,482 dwellings have been deleted.

However new/additional sites need to be allocated to meet the housing need/requirement.

In addition to have a quarter of the sites as uncertain windfalls (1,949 of 7,337), apparently some 74% of the total, is wholly unacceptable and does not supply the certainty required from a Plan under the NPPF.

Additional sites should be allocated to provide the certainty expected of a new Plan.

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:

Please see other submissions on this specific point.

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.

Provide adequate housing to meet the need/requirement.

Re-examine HSA LPR Sites to see whether they are still available and can be developed and, if not find additional, replacement sites which should include our Client’s site LAM007 “Land between Folly Road, Rockfel Road and Stork House Drive”..

Reduce the element of windfalls in the Draft Plan from the high level of one quarter of all sites

5. Independent Examination

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

Yes No

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

We do not consider the LPR is sound and would like to participate in the examination.

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Tick

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The adoption of the Local Plan Review	✓

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Signature	M.Carter for Carter Planning Limited	Date	03/03/2023
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Last Name:*	Jones	Carter
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Address* <i>Please include postcode:</i>	[REDACTED]	[REDACTED]
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Your name or organisation (and client if you are an agent):	Mr Mark Carter of Carter Planning Limited for Mr R L A Jones
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Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	Section 6
Policy:	Policy SP12 - Approach to Housing Delivery
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:

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,		<input checked="" type="checkbox"/>

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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:

Objection

The overall housing requirement of between 8,721 to 9,146 between 1 April 2022 and 31 March 2039 or 513 to 538 dwellings per annum is un likely to be inadequate to meet housing needs.

It is appreciated that the Government’s final method for calculating the housing requirement is in a state of flux currently

Whilst it is understood that these figures used by the Council are not a ceiling or cap, nevertheless as a minimum requirement reflecting need they are unlikely to be adequate. The LPR itself states that the PPG requirement may be higher and the needs from adjoining Authorities need to crystallise.

There are two principal reasons for this being inadequate,

The first is that (as we have stated elsewhere) there is no final information on the housing requirement likely to have to be met from adjoining Boroughs such as Reading, Wokingham or Swindon through the Duty to Cooperate etc and where this would be located.

Secondly it is appreciated that the Council made the housing needs calculation based upon the mechanism appertaining at the time but of course the Government’s new mechanism for housing need calculation is likely to result in a higher figure.

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:

Please see other submissions on this specific point.

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.

Update the overall housing requirement to meet the need arising from the duty to cooperate when this is established and based upon the Government’s latest mechanism for calculating housing need.

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

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Your name or organisation (and client if you are an agent):	Mr Mark Carter of Carter Planning Limited for Mr R L A Jones
---	--

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

Section/paragraph:	Section 6 Delivering Housing
Policy:	Policy SP15 Housing Sites Allocated for Residential & Mixed-Use - Development in the North Wessex Downs AONB
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:

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
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Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		✓
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

Objection

Policy SP15 should be amended to delete RSA14/RSA22/HSA19 Lynch Lane Lambourn and RSA15/RSA23/HAS 20 Newbury Road, Lambourn. The Section is entitled "Delivering Housing". Despite being allocated in April 2017 there is no sign of either site coming forward with no planning applications being made in respect of Lynch Lane. It is not clear what is happening with Newbury Road. Firstly planning permission was refused, then planning permission was granted for eight houses but these are not being pursued. If permission has been granted the site should not be included. However there is also an application for five units on the site further adding to the uncertainty about its delivery.

Policy HSA 19 Site LAM005 Lynch Lane, Lambourn

Our Clients have made representations elsewhere that the housing provision in the Plan is inadequate and extra sites should be included, in particular our Client's Site LAM007.

However if the Inspector considers that extra sites are not required then LAM007 should be included instead of sites HSA19 or HSA20, in the Submission LPR document.

HSA 19 has the disadvantage of being a very large site for the village to accommodate. The capacity of the site has risen arbitrarily since the 2014 Preferred Options document and yet the constraints have increased. Notwithstanding this the text has been altered to reduce the size of the site. It lies alongside an SSI/SAC and part of the site is liable to flooding from the River Lambourn which flows along the northern boundary. No work seems to have been carried out on a number of aspects including archaeology, nutrient neutrality. It appears that the site capacity has arbitrarily increased by 4 units from 56 in the 2014 document to 60 in the current document merely so that, together with Newbury Road, it tries to compensate for the unjustified omission in this version of the Plan of site LAM007 which was previously included. Since its allocation in the previous adopted Local Plan there is no evidence that it is coming forward and is deliverable.

The Summary of Lambourn Sites SA/SEA page 122 notes the negative points in relation to environmental sustainability and flooding. The need for a buffer zone and the inability to develop within the flood zone appear to reduce the size and capacity of the site and not to increase it as is again arbitrarily suggested (from 56 to 60) in the previous Submission LPR.

The Parish Council within their response with regard to LAM005 included the following key points:-
"Environment -the site is within the AONB. The site is immediately adjacent to the River Lambourn, the corridor of which is a Site of Special Scientific Interest.

Housing and the Community – Lambourn needs a period of consolidation to adjust to the social impact resulting from recent rapid growth.

Industry – impact on the racehorse industry– safety of horses and riders will be affected by increased traffic generation

Archaeology – Lambourn formed part of the parkland of Lambourn Place, and the site is believed to be a site of a Saxon palace. Any development would destroy this.

Roads – roads are narrow, with blind bends and dangerous junctions. Inadequate footpaths and the roads are busy. Any increase in traffic will be detrimental to the safety of the road users".

These matters have not been addressed.

The Lambourn Site Assessments document, in its summary notes that "the Parish Council had various concerns about this site, as does the local community". Indeed this was the least favoured site for development by the residents responding to the survey that this site

The Plan's approach to the selection of sites is not justified or consistent with other policies of the LPR.

Policy HSA 20 Site LAM015 Newbury Road Lambourn

HAS now has planning permission for eight units but this is not being pursued. It should not be included if it has planning permission. It is assumed that it is being included as there is a current proposal for eight units.

Policy HSA 20 and in particular site LAM015 should be deleted and replaced by previously preferred Option Site LAM007.

HSA20 or LAM015 is a very small, inflexible site and makes little contribution to housing supply (five dwellings). It appears to have been included (and the notional capacity of LAM005 increased) merely so that LAM007, previously included as being acceptable, can be excluded.

HSA20 or LAM015 was not examined in the West Berks Landscape Sensitivity Assessment by Kirkham Landscape Planning.

The reference to the site in The Lambourn Site Assessment was both cursory and inadequate. The Parish Council were consulted about its inclusion (apparently it appears neither were statutory consultees).

HSA 20 scores poorly when compared against the criteria in Appendix 2 for the settlement boundary review. It is accepted that it forms an extension of the existing settlement boundary and is located on a ridge etc.

HAS 20 was selected at a late stage during processing of the Local Plan and yet has no identifiable feature to create its northern boundary which is open and on a ridge contrary to Criteria used in the Review at Appendix 2 of the LPR. There is no landscaped boundary contrary to other Criteria. It is on a ridge contrary to another Criteria and can be described as an open area on the edge of the settlement seen at the entrance to the village, contrary to yet more Criteria. It also lies close to the Medieval Village of Bockhampton.

Lastly planning permission has been refused for the development of the site, then permission granted for eight units but no longer being pursued and so there is no evidence it is deliverable or will provide the certainty that the LPR requires.

Policy HSA 20 should include site LAM007 instead of HAS 20 (LAM015).

The LPR's approach to the selection of sites and the review of settlement boundaries is not justified or consistent with the LPR.

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:

Please see other submissions on this specific point.

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 SP15 should include the site known as LAM007 instead of HSG 19 and HSG20.

The LPR's approach to the selection of sites is not justified or consistent with the LPR. Further the detailed examination of Site HSA 19 means that it may not be delivered or may only delivered with reduced capacity. Our Clients would prefer that Site HSA19 is omitted. However if there is a need for additional housing following the inclusion of site LAM007 then a more realistic appraisal of the "parameters" should take place to ensure that the LPR is both sound and effective

Site HSG20 should be omitted. It has been refused planning permission and did not go through the rigorous consultation process or selection procedure applied to other sites such as LAM007. Its impact on the landscape was not been adequately assessed. It is further from services than LAM007 and has a number of other disadvantages landscape and other.

The inclusion of HSG 20 would undermine the Plan and would mean that it is both unsound and ineffective.

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 do not consider the LPR is sound and would like to participate in the examination.

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

6. Notification of Progress of the Local Plan Review

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

Please tick all that apply:

Tick

The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

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

Signature	M.Carter for Carter Planning Limited	Date	03/03/2023
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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)

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

PART A: Your Details

Please note the following:

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

	Your details	Agent's details (if applicable)
Title:	Mr	Mr
First Name:*	R.L A.	Mark
Last Name:*	Jones	Carter
Job title (where relevant):		Planning Consultant
Organisation (where relevant):		Carter Planning Limited
Address* <i>Please include postcode:</i>	[REDACTED]	[REDACTED]
Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

*Mandatory field

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

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Your name or organisation (and client if you are an agent):	Mr Mark Carter of Carter Planning Limited for Mr R L A Jones
---	--

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

Section/paragraph:	Section 6 – Delivering Housing
Policy:	Policy SP15 and Paragraphs 6.25 and 6.41
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:

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		<input checked="" type="checkbox"/>

agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

Objection

In other representations we found much of Policy SP 1 is unobjectionable and can be supported but objection was raised to the very last sentence which has now been deleted:-

“Allocations for housing for Hungerford, Lambourn, Compton and Hermitage will be made through Neighbourhood Development Plans”.

However this matter had now been fudged and the LPR does not provide the required certainty. This problem is exacerbated in Paragraph 6.25 which proposes that 80 dwellings will be provided through Neighbourhood Plans and paragraph 6.41 states “*Additional sites will be delivered through the Neighbourhood Plans for Lambourn and Hungerford. The Neighbourhood Plans for Compton and Hermitage do not include residential allocations, and instead comprise of development management policies*”. No explanation is given as to why this figure of 80 has reduced from the 315 in the Reg 19 Plan. This matter is also referred to in Paragraph 6.25 of the LPR

That is an abrogation of the function of this LPR. Neighbourhood Plans should not be making housing allocations, that is a function of the LPR, and indeed some such sites coming forward may cut across the LPR.

Furthermore Policy SP15 (page 65) suggest that the Lambourn Neighbourhood Plan should provide 25 dwellings in addition to the sites already included in the Draft Plan (and which we suggest may not come forward).

Indeed if the task of allocating housing sites is left to Neighbourhood Plans, especially in Lambourn, either that Plan may not come forward or, more likely, local residents will not want additional housing in their locality leaving the housing needs/requirement unsatisfied.

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:

Please see other submissions on this specific point.

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).

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The reliance on allocations through the Neighbourhood Plan process raises questions as to whether the objectively assessed needs will be met within the plan period increasing pressures on other settlements to meet the at unmet need.

The Council should allocate all housing sites through this Draft LPR and do not leave the task to Neighbourhood Plans. Amend or delete Paragraphs 6.25 and 6.41 and Policy SP15 “Total designated by Neighbourhood Area” to delete the 80 dwellings therein and replace them with allocated sites one of which could be our Clients site “Land between Folly Road, Rockfel Road and Stork House Drive (SHLAA site reference LAM007)”.

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 do not consider the LPR is sound and would like to participate in the examination.

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

6. Notification of Progress of the Local Plan Review

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

Please tick all that apply:

Tick

The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

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

Signature	M.Carter for Carter Planning Limited	Date	03/03/2023
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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:	Mr	Mr
First Name:*	R.L. A..	Mark
Last Name:*	Jones	Carter
Job title (where relevant):		Planning Consultant
Organisation (where relevant):		Carter Planning Limited
Address* <i>Please include postcode:</i>		
Email address:*		
Telephone number:		

*Mandatory field

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

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Your name or organisation (and client if you are an agent):	Mr Mark Carter of Carter Planning Limited for Mr R L A Jones
---	--

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

Section/paragraph:	Section 8
Policy:	Policy RSA 22/HAS 19 Land adjoining Lynch Lane, Lambourn
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:

2. Soundness

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

Do you consider the Local Plan Review is sound?

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

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum,		✓

seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

Objection

Policy HSA 20 (formerly RSA 19 Site LAM005) Lynch Lane, Lambourn

Our Clients have made representations elsewhere that the housing provision in the Plan is inadequate and extra sites should be included, in particular our Client's Site formerly known as "Land between Folly Road, Rockfel Road and Stork House Drive (SHLAA site reference LAM007)".

However if the Council considers that extra sites are not required then LAM007 should be included instead of sites HSA 19 or more particularly HSA 20 in the Draft LPR document.

RSA 22/HSA19 has the disadvantage of being a very large site for the village to accommodate. The capacity of the site has risen arbitrarily since the 2014 Preferred Options document and yet the constraints have increased. The Draft LPR introduces new constraints about nutrient neutrality etc. The site lies alongside an SSI/SAC and part of the site is liable to flooding from the River Lambourn which flows along the northern boundary. No work was carried out on a number of aspects including archaeology before its previous allocation. It appears that the site capacity has arbitrarily increased by 4 units from 56 in the 2014 document to 60 in the adopted document and the LPR notwithstanding that the LPR now reduces the developable area, merely so that, together with site RSA23/HSA20, it tried to compensate for the unjustified omission in this version of the Plan of site LAM007 which was previously included.

The Summary of Lambourn Sites previously noted the negative points in relation to environmental sustainability and flooding. The need for a buffer zone and the inability to develop within the flood zone appear to reduce the size and capacity of the site and not to increase it as was previously suggested (from 56 to 60) in the adopted DPD. The LPR now omits a developable area, the implication being that this has decreased.

When the site was proposed in the adopted Plan the Parish Council within their response included the following key points:-

"Environment -the site is within the AONB. The site is immediately adjacent to the River Lambourn, the corridor of which is a Site of Special Scientific Interest.

Housing and the Community – Lambourn needs a period of consolidation to adjust to the social impact resulting from recent rapid growth.

Industry – impact on the racehorse industry– safety of horses and riders will be affected by increased traffic generation

Archaeology – Lambourn formed part of the parkland of Lambourn Place, and the site is believed to be a site of a Saxon palace. Any development would destroy this.

Roads – roads are narrow, with blind bends and dangerous junctions. Inadequate footpaths and the roads are busy. Any increase in traffic will be detrimental to the safety of the road users".

These matters have not been satisfactorily addressed.

The Lambourn Site Assessments document, in its summary notes that "the Parish Council had various concerns about this site, as does the local community". Indeed this was the least favoured site for development by the residents responding to the survey.

Since being selected for the last Local Plan and accepted by the Inspector in April 2017 the site has not come forward.

No applications have been made for its development.

It does not appear to be genuinely available and should now be omitted from the emerging Draft LPR.

The Plan's approach to the selection of sites is not justified.

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:

Please see other submissions on this specific point.

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 Draft LPR's approach to the selection of sites is not justified.

Land adj. Lynch Lane has not come forward for development since its inclusion in the former Plan in April 2017. Further the detailed examination of Policy RSA22 now HSA19 means that it may not be delivered in future either or may only delivered with reduced capacity and area.

Our Clients would prefer that Site RSA22/HSA19 is now omitted. Failing this its capacity should be significantly reduced.

However if there is a need for additional housing then our Client's site formerly LAM007 Land off Rockfell/Folly Road should be included as a site to ensure that the Local Plan Review is both sound and effective.

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 do not consider the LPR is sound and would like to participate in the examination.

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

6. Notification of Progress of the Local Plan Review

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

Please tick all that apply:

Tick

The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

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Signature	M.Carter for Carter Planning Limited	Date	03/03/2023
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Title:	Mr	Mr
First Name:*	R.L.A.	Mark
Last Name:*	Jones	Carter
Job title (where relevant):		Planning Consultant
Organisation (where relevant):		Carter Planning Limited
Address* <i>Please include postcode:</i>	[REDACTED]	[REDACTED]
Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

*Mandatory field

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

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Your name or organisation (and client if you are an agent):	Mr Mark Carter of Carter Planning Limited for Mr R L A Jones
---	--

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

Section/paragraph:	Section 8
Policy:	Policy RSA 23/HSA20 Newbury Road, Lambourn.
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:

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,		<input checked="" type="checkbox"/>

seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

Objection.

Policy Site Ref HSA 20/RSA 23 Formerly LAM015 Newbury Road Lambourn

Site HSA 20/RSA 23 should be deleted and replaced by our Clients previously preferred Option Site "Land between Folly Road, Rockfel Road and Stork House Drive" (SHLAA site reference LAM007).

Site HSA 20/RSA 23 has not commenced development since being allocated in April 2017.

Indeed planning permission was refused that year because:-

"1. Notwithstanding the fact that the application forms part of the HSADPD 2017 as adopted, the applicant has failed to enter into a s106 planning obligation to achieve an appropriate contribution, for affordable housing of £400,000, in accord with policy CS6 in the West Berkshire Core Strategy 2006 to 2026. It is thus contrary to policies GS1 and HSA20 in the HSADPD of 2017 and policy CS6 as identified and the advice in the NPPF".

Please see application 17/00825/FULD and the refusal notice dated 19th October 2017.

A further application has been made to develop the site for eight houses (20/00972) which has been approved but apparently is not going ahead as a further application has been made (22/00277) for only five units - but that remains undetermined..

In the 2017 application the Parish Council and Natural England objected because of the visual impact on the landscape. There was no information on flooding and archaeology and there were highways problems with bin storage, the need to move a bus stop and the lack of a foot path across the entire site frontage. No affordable housing was provided.

This fact and the abandonment of the scheme for eight houses rather suggests that the site is not practical or economic to develop.

Application ref.20/00972/FULMAJ was amended from 10 to 8 dwellings which exceeded the Local Plan density.

The principal problem with the development is stated to be the effect on the wider landscape character of the area, in particular against the underlying objective to conserve and enhance the landscape character of the AONB. The proposed development due to its high density of dwellings is thought to form a hard settlement edge, which will be out of character with the adjacent settlement edge characterised by a low density of development in mature gardens. The proposals are currently considered to result in an adverse effect on the wider landscape character of the AONB.

Policy HSA20/RSA 23 is a very small, inflexible site and makes little contribution to housing supply (five dwellings). It appears to have been included (and the notional capacity of HAS 19/RSA 22 increased) merely so that our Clients site LAM007, previously included as being acceptable, could be excluded.

Policy HAS 20/RSA 23 (or LAM015) was not examined in the West Berks Landscape Sensitivity Assessment by Kirkham Landscape Planning.

The reference to the site in The Lambourn Site Assessment was both cursory and inadequate.

The Parish Council were not consulted (apparently it appears neither were statutory consultees).

HAS 20/RSA 23 scored poorly when compared against the criteria in the settlement boundary review. It was accepted that it forms an extension of the existing settlement boundary.

HAS 20/RSA 23 was selected at a late stage and has no identifiable feature to create its northern boundary. There is no landscaped boundary. It is on a ridge and can be described as an open area on the edge of the settlement seen at the entrance to the village. It also lies close to the Medieval Village of Bockhampton.

Policy HAS 20/RSA 23 should be deleted and our Client's site formerly LAM007 "Land between Folly Road, Rockfel Road and Stork House Drive" (SHLAA site reference LAM007) should replace it.

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:

Please see other submissions on this specific point.

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.

Site HAS 20/RSA 23 should be omitted. It did not go through the rigorous consultation process or selection procedure applied to other sites such as our Client's LAM007. Its impact on the landscape was never adequately assessed. It is further from services than LAM007 and has a number of other disadvantages. It is not practical or available for development currently.

The inclusion of HAS 20/RSA 23 would undermine the Plan and would mean that it is both unsound and ineffective

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 do not consider the LPR is sound and would like to participate in the examination.

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

6. Notification of Progress of the Local Plan Review

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

Please tick all that apply:

Tick

The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

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

Signature	M.Carter for Carter Planning Limited	Date	03/03/2023
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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)

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	By post: Planning Policy, Development and Regulation, Council Offices, Market Street, Newbury, RG14 5LD
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	Your details	Agent's details (if applicable)
Title:	Mr	Mr
First Name:*	R.L.A.	Mark
Last Name:*	Jones	Carter
Job title (where relevant):		Planning Consultant
Organisation (where relevant):		Carter Planning Limited
Address* Please include postcode:	[REDACTED]	[REDACTED]
Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

*Mandatory field

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Your name or organisation (and client if you are an agent):	Mr Mark Carter of Carter Planning Limited
---	---

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

Section/paragraph:	
Policy:	
Appendix:	Appendix 2 - Settlement Boundary Review. Page 248
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:

2. Soundness

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

Do you consider the Local Plan Review is sound?

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

Please tick all that apply:

NPPF criteria	Yes	No
---------------	-----	----

Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		✓
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

Objection.

We do support a new boundary review but there is no evidence that any work has been carried out since the last Plan. Alternatively that work was either effective and inadequate.

Setting the parameters narrowing the review before carrying out the review is flawed.

We are sceptical that this review has been a thorough a vigorous exercise hence it still includes phrases such as "Boundaries will include" and "Boundaries will exclude" which are unnecessary if that work has actually been carried out

Further, existing allocated but undeveloped sites were automatically included in the settlement boundary whatever their landscape impact may be.

The Plan's approach to the selection of sites prior to the review of settlement boundaries is flawed and not justified.

In particular site HAS 19/RSA22 is a large extension to the settlement with no particular boundaries to the north and HAS 20/RSA23 can be described as a ribbon of development which is sporadic and not part of the close knit physical character of the village of Lambourn.

HAS 20/RSA 23 has been selected and yet there is no landscaped boundary.

The site is on a ridge, and an open area on the edge of the settlement seen at the entrance to the village.

The Plan's review of settlement boundaries was previously poorly applied and continues as settlement boundaries have not been comprehensively re-examined.

It is nonsensical if an unallocated site which has little impact on the landscape can be examined but a previously allocated site which has not been developed and has undesirable landscape impacts is ignored.

Sites HAS 19/RSA22 and HAS 20/RSA 23 should be removed if not required, or one should be replaced by LAM007 or alternatively LAM007 "Land between Folly Road, Rockfel Road and Stork House Drive" should be included in the settlement boundary alteration for Lambourn in addition to meet overall housing need.

in particular HAS 20/RSA 23 compares unfavourably with LAM007. It is irregular in shape, has no natural containment and is further from the village centre. It is unable to provide the variety of mix and type of housing which can be delivered by LAM007 and is centred on the provision of low density high cost housing unsuited to the low cost housing required by the horse racing economy of

Lambourn.

Site LAM007 should be included in the Draft LPR.

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:

Please see other submissions on this specific point.

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.

Carry out an unconstrained boundary review to include all sites on the edge of urban areas, especially around Lambourn, and not the limited review that appears to have taken place.

5. Independent Examination

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

Yes

No

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

We do not consider the LPR is sound and would like to participate in the examination.

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	✓
---------------------------------------	---

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	M.Carter for Carter Planning Limited	Date	03/03/2023
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	Your details	Agent's details (if applicable)
Title:	Mr	Mr
First Name:*	R. L. A.	Mark
Last Name:*	Jones	Carter
Job title (where relevant):		Planning Consultant
Organisation (where relevant):		Carter Planning Limited
Address* Please include postcode:	[REDACTED]	[REDACTED]
Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

*Mandatory field

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

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Your name or organisation (and client if you are an agent):	Mark Carter of Carter Planning Limited for Mr R L A Jones
---	---

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

Section/paragraph:	Paragraph 1.26 – Duty to Cooperate
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:

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,		<input checked="" type="checkbox"/>

seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

Please see below.

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:

Objection

We understand the definition of the legal duty to co-operate. On the evidence available so far thus does not appear to have been adequately carried out. It is unfortunate that full details of the co-operation to date have not been given at this submission stage.

Paragraph 1.26 of the LPR is wholly inadequate by means of explanation. It simply states that there is a close partnership to ensure that cross boundary issues are taken into account. However this is not evidenced by the Supporting Statement on the Duty to Co-operate.

More details and further cooperation between Authorities would have been helpful and would have informed the Local Plan Review (LPR), and the responses to it, if full details could have been given.

This is especially true on the subject of housing as the LPR deals with the Council’s housing need but does not explain in detail how adjoining Authorities (such as Reading, Swindon and Wokingham) will require housing need to be met in West Berkshire District and if so what the quantum of that additional housing would be and where it would be located.

Indeed the Duty to Cooperate Statement does little to assist. Reading BC is stated to need 230 houses outside its boundaries but the HMA has not been agreed and is subject to “further review” but this does not provide the certainty required by the LPR.

Also West Berkshire apparently cannot meet its own employment needs. It is stated there may be a statement on this but “it needs further work”.

The HEELA does not include Bracknell Forest and a single study covering the Housing Market Area, which would have been the most appropriate approach for consistency, apparently “has not been practical” due to there being four different plan-making timetables.

The LPR sets out a figure for overall housing need together with some sites but it may be that both

of those aspects will need to be revisited in the light of further exercise of the duty to co-operate.

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.

Fully exercise the duty to cooperate and give details of the responses to the duty to co-operate as soon as possible so that the overall housing requirement figure and the sites needed to meet it can be addressed by the LPR.

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 do not consider the LPR is sound and would like to participate in the examination.

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Tick

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Signature	M.Carter for Carter Planning Limited	Date	03/03/2023
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Last Name:*	Jones	Carter
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Address* <i>Please include postcode:</i>	[REDACTED]	[REDACTED]
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Your name or organisation (and client if you are an agent):	Mr Mark Carter of Carter Planning Limited for Mr R L A Jones
---	--

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

Section/paragraph:	Section 8
Policy:	
Appendix:	
Policies Map:	
Other:	New RSA/HAS Policy - Land between Folly Road, Rockfel Road and Stork House Drive (SHLAA site reference LAM007)

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:

2. Soundness

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

Do you consider the Local Plan Review is sound?

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

Please tick all that apply:

NPPF criteria	Yes	No
---------------	-----	----

Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		✓
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

Objection.

Include "Land between Folly Road, Rockfel Road and Stork House Drive" (SHLAA site reference LAM007) in the LPR.

In the West Berkshire Housing Site Allocations Development Plan Document - Inspector's Report March 2017 by David Hogger BA MSc MRTPI MCIHT he stated:-

"88. Another site in the settlement between Folly Road and Stork House Drive (LAM007 in the SHLAA) displays similar characteristics to the allocated site at Lynch Lane. However, the proposed allocation is sound and there is no justification at this time for allocating further development within the AONB because the limit of 2,000 dwellings, as set out in the CS, would be significantly breached. I note, however, that there is a commitment from the Council to reconsider this site as part of the WBLP preparation".

This has not been done and the site has not been included in the Draft Plan.

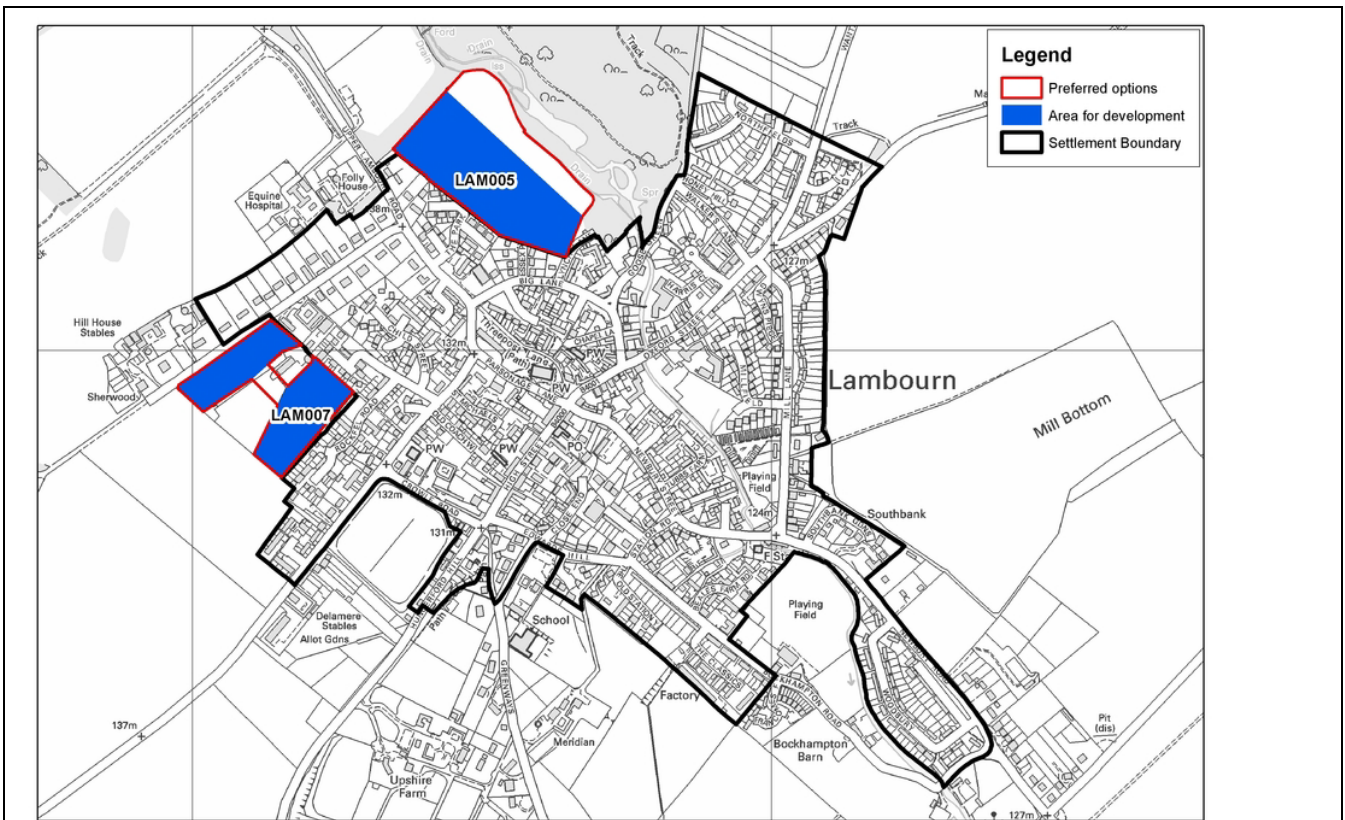
To ensure Section 8 Policy RSA is justified, sound and effective, Site LAM007 should be restored to the Plan (in place of site RSA23/HSA20) as previously suggested in the July 2014 Preferred Options Draft in the text of the Plan and in the settlement boundary review as follows:-

Policy RSA ?? - Land between Folly Road, Rockfel Road and Stork House Drive (SHLAA site reference LAM007)

Just over one hectare of this site is considered to be developable for approximately 24 dwellings. The developable area excludes the middle section of the site, reflecting the outcome of the Landscape Assessment which indicates that development on part of the site would be acceptable as long as the required mitigation measures are adhered to.

The site is well related to the existing settlement and close to local services, facilities and open countryside. It is proposed that the site is allocated for low to medium density development, with a mix of dwelling sizes and types including affordable housing. Access can be obtained either from Folly Road or from Rockfel Road, with a potential additional pedestrian access onto Holly Road.

Full ecological and archaeological surveys will be required to inform any development proposal.



Reproduced from Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office (c) Crown Copyright 2014. West Berkshire District Council 0100024151.

Background

Our Client, Mr R L Jones has been involved in the equestrian industry in Lambourn for many years.

The representations by Carter Planning Limited on his behalf (and on behalf of his family and Company interests) seek to demonstrate that the Draft LPR is fundamentally unsound because it underestimates the required housing provision generally. as a result it produces too few housing sites to meet needs or be flexible.

More specifically our Client takes exception to the failure by the Council to consider site LAM007 despite the Council making a commitment to do this at the last Examination and despite its late omission from the current Plan which has previously been through consultation and examined in detail and found to be acceptable (and its replacement by Site RSA 23/HAS 20, formerly LAM015 which had not).

This failure undermines the Council's stated criteria for the selection of sites and settlement boundaries in the rest of the Draft Plan.

Our Clients representations therefore seek to increase housing which in turn means and increase in housing sites. As a result either the addition of SHLAA site LAM007 as having previously been acceptable in all regards to meet this need, or, if the Inspector reduces the housing need then the replacement of site RSA 23/HSA20 by site LAM007 (and a re-examination of the allocation and capacity of Site RSA 22/HSA19).

Site LAM007 is located in an area where recent development has occurred over time. It is well located in relation to the heart of the village and is contained by development on three sides. It is a site which can be flexible in the amount of development which it supplies.

In respect of site LAM007 the Council's Draft Plan (LPR) is neither positive nor justified, in that LAM007 is totally and promptly deliverable and consistent with national policy, which may not be the case with other sites.

Facts and experience show that, contrary to assertions made by the Council and others previously,

mixed housing can be provided on site, LAM007, in a manner that is beneficial to the community and horse racing industry, in contradiction to those claims.

It is still not clear why Site LAM007 was suddenly excluded from the last Plan and site HAS 20, LAM015 included and HAS 19, LAM005 enlarged. It seems likely that this is only due to incorrect evidence regarding our Clients' adjoining stables. see below.

LAM007 was previously included as a preferred site in the 2014 Consultation Issues and Options Draft when the Council concluded:-

The principle -

The Core Strategy sets out the Spatial Strategy for the District and provides an overall framework to guide development over the plan period. The Core Strategy also outlines a housing requirement for the District to 2026, along with a spatial distribution to identify where this housing will be provided.

The Core Strategy identifies Lambourn as a rural service centre within a Settlement Hierarchy. This means that Lambourn, along with the other rural service centres, has a range of services and reasonable public transport provision, with opportunities to strengthen its role in meeting the requirements of surrounding communities. As such, it is expected that Lambourn will accommodate some additional housing growth to 2026.

Policy ADPP5 sets out how the spatial strategy will be delivered in the AONB. The Housing Site Allocations DPD sits underneath the Core Strategy and within this clear framework. The Housing Site Allocations DPD will allocate non-strategic housing sites for development adjacent to the existing settlement boundaries of those settlements identified within the settlement hierarchy. As such a review of settlement boundaries will take place as part this DPD.

The Core Strategy is clear that the conservation and enhancement of the natural beauty of the landscape will be the paramount consideration in assessing sites for development within the AONB. In order to ensure that the diversity and local distinctiveness of the landscape character is conserved and enhanced, the natural, cultural and functional components of the landscape character will be considered as a whole in accordance with Core Strategy policy CS19.

One of the consultation responses set out above outlines that '2 suitable sites have been discounted for no apparent reason'. Both these sites (LAM004 and LAM006) have been ruled out for landscape reasons. The Council's landscape consultant (Kirkham Landscape Planning Ltd/Terra Firma) carried out a Landscape Sensitivity Assessment (LSA) on sites submitted within the AONB. This work concluded that both sites LAM004 (Land off Bockhampton Road) and LAM006 (Land at Wantage Road and Northfields) should not be pursued for development due to the landscape impact.

With regard to the housing type and mix, policy CS4 of the Core Strategy outlines the Council's approach and states that residential development will be expected to contribute to the delivery of an appropriate mix of types and sizes to meet the housing needs of all sectors of the community, having regard to the local context and relevant evidence sources.

The Council's Archaeology Team has been consulted on the site and has concluded that a variety of archaeological features are in close proximity and on the site resulting in a high archaeological potential. Further investigation and evaluation will be required through the production of Heritage Impact Assessment. This will need to be carried out as part of any planning application to inform the development of the site. Should the site be taken forward as an allocation within the plan this will be set out within an allocation policy.

The Council's Ecologist has been consulted and has concluded that the site is possibly Chalk Grassland. An extended phase 1 habitat survey would be required together with further detailed surveys arising from that as necessary. Appropriate avoidance and mitigation measures would need to be implemented, to ensure any protected species were not adversely affected. Should the site be taken forward as an allocation within the plan this will be set out within an allocation policy. The site is located over 600m (as the crow flies) from the River Lambourn, a SSSI/SAC, and it is essential that any development on the site will not adversely affect the SAC/SSSI.

The site is not within a Flood Zone and does not sit within an area of surface water flood risk. The site is located adjacent to a groundwater emergence zone but the risk of flooding on this site is considered low. Given the site is over 1 hectare in size a Flood Risk Assessment (FRA) would be required to support any planning application on the site in accordance with policy CS16 of the Core Strategy.

This site can accommodate up to 24 houses that will generate circa 144 daily vehicle movements including circa 14 during the 08.00 to 09.00 AM peak. It is considered that given the size of the development, the traffic impact from the proposal would be limited. Access can be obtained from Folly Road, but it probably wouldn't be appropriate considering the rural nature of the road. An alternative place for access would be via Rockfel Road. This would also connect the site to footways in the vicinity. There are currently no footways along Folly Road. A pedestrian access onto Folly Road would also be welcomed. There are footways and bus stops within the vicinity where bi-hourly services pass to Hungerford and Newbury. The site is also within walking and cycling distance of Lambourn centre.

Existing pressure on some local services and facilities is recognised. The Infrastructure Delivery Plan (IDP) prepared alongside the Core Strategy considered all the infrastructure (including schools and doctors) that would be required to support the development of 10,500 new homes (including the scale of development allocated to each of the spatial areas). The IDP will be updated in partnership with service providers to support the Housing Site Allocations DPD once the site allocations have been confirmed and any necessary infrastructure improvements will be taken forward.

Service providers are aware of the potential sites for future development and discussions are taking place as to the provision of additional services/facilities to serve the new population. All new development will be subject to the Community Infrastructure Levy (CIL) which was implemented by the Council on 1 April 2015. CIL is a levy charged on most new development and the money is used to pay for new infrastructure required as a result of the new development. Financial contributions towards mitigating the impact of an increased population on infrastructure (such as the NHS and Education provided by West Berkshire Council) could be sought through CIL. Whilst CIL replaces most of the previous system of developer contributions collected under Section 106, it will still be necessary to have S106 agreements under certain circumstances, for example to provide affordable housing, or provide infrastructure on site, or pay for infrastructure improvements required off site but specifically as a result of a development.

In particular, consultation has taken place with Thames Water and they have not raised any concerns regarding water supply or waste water capability in relation to this site. It should be noted that infiltration of groundwater into the network has been identified as a strategic issue within Lambourn, therefore should development come forward on this site an integrated water supply and drainage strategy would be required.

The Core Strategy is clear that the conservation and enhancement of the natural beauty of the landscape will be the paramount consideration in assessing sites for development within the AONB.

The Council's landscape consultant (Kirkham Landscape Planning Ltd/Terra Firma Consultancy) has carried out a Landscape Sensitivity Assessment (LSA) on the site and recommended that only the land adjacent to Folly Road and below the 150m AOD contour in the south of the site be developed. Development on these parts of the site would be subject to a number of conditions, along with the protection and enhancement of key landscape features (set out within the LSA). The LSA also recommended that the larger sites within Lambourn, LAM005 and LAM007, are either only developed in part concurrently, or either one or the other selected, to continue the pattern of sequential small developments in the village.

A Landscape and Visual Impact Assessment (LVIA) would be required as part of any planning application for development on this site to ensure any proposed development conserved and enhanced the surrounding landscape of the AONB. The requirement to provide this work as part of a planning application will be outlined within an allocation policy for the site should it be taken forward as an allocation within the plan.

The Council's Environmental Health Department has been consulted on the Housing Site Allocation DPD Preferred Options and will have further opportunity to comment throughout the process. No concern has been raised regarding this site. The site is at risk of groundwater contamination given the local aquifer and the level of risk and any necessary mitigation measures will be explored further through a Flood Risk Assessment to be provided as part of any planning application.

The racehorse industry plays a vital role within the local rural economy of Lambourn and surrounding areas. It is evident from the consultation responses that the site is currently used as turnout paddocks for an adjacent yard. As such the loss of the site for housing development would be contrary to policy CS12 of the Core Strategy. Policy CS12 aims to prevent pressure for redevelopment of existing facilities to other uses and the fragmentation of existing sites. Such pressures could lead to the decline of the industry locally, threaten the character and form of the settlement and increase pressure for replacement facilities in environmentally sensitive areas. Protecting yards from development for alternative uses is particularly important to the Council. **(Note this is incorrect for reasons given below).**

As part of the Housing Site Allocations DPD the Council will be reviewing the settlement boundaries of those settlements within the settlement hierarchy of the Core Strategy. Criteria for this review were consulted upon as part of the Preferred Options consultation in 2014.

Completed developments are already taken into account in terms of the housing requirement/numbers. Such areas of land adjacent to the settlement boundary will be considered further as part of the settlement boundary review

The site LAM007 was also comprehensively tested by Kirkham Landscapes in 2011 who concluded:-

"Relationship with adjacent settlement

The site is surrounded on 3 sides by housing, with 20th century medium density and more recent development to the north east and south east boundaries, and older, low density housing across the road to the north west

The lower density housing occurs up to the 170m AOD contour, with higher density on the lower slopes, below 150m. The site itself extends up to 170m AOD with the majority below 165m AOD
The site contains horse paddocks and stable buildings

Relationship with adjacent wider countryside

The site has some relationship with the countryside to the south west, which is a continuation of the east facing valley side, but hedgerows around and within the site, including a tall, conifer hedge disconnect the site visually from the countryside beyond

The site lies on slopes dropping into the valley and the settlement away from the extended wider landscape

Impact on key landscape characteristics

No woodlands are affected

Potential for replacing the incongruous conifer hedgerow with more appropriate planting

Other boundary hedges made up of native species are important features

Site currently in use as paddocks

Impact on key visual characteristics

Not typical of the wider LCA – less exposed and smaller in scale

Development of the whole site would be prominent in views from the surrounding Downs and from within the settlement

Impact on key settlement characteristics

Some appropriate development would not be out of keeping with existing settlement pattern

Summary of compliance with PPS7 paragraph 21

Development on part of this site, subject to the recommendations below, would result in little harm to the natural beauty of the AONB. It is recommended that only the land adjacent to Folly Road and below the 150m AOD contour in the south of the site be included

Recommendations

Development on this site should be subject to the following conditions and the protection and enhancement of the following features:

Low density, linear housing (similar to that north of Folly Lane would be the most appropriate form of development at the higher elevation, and

Higher density, similar to the housing to the east, on the lower ground in the eastern part of site.

Views from the surrounding countryside would need to be carefully considered

New planting would be important in integrating the buildings into the landscape, including the replacement of the conifer hedges.

An area between the two portions of the site for development would need to be left as open field or open space to reduce the overall impact of the development

Our Client.

Our Client and his wife have lived in Lambourn for over 40 years, as a successful jockey and trainer, in the employ of others, and for the majority of that period, self-employed in the industry. During that period they have consistently used capital gained from housing development in Lambourn to heavily invest in the horse racing industry, including a new stables, upgrading another, provision of lads' accommodation units, lunging rings, a horse walker, an innovative paper bedding business, and other facilities. They currently have a planned programme of further development in the horse racing facilities within their ownership, including a potential new yard, upgrading of boxes, a lads' hostel and a manager's unit, which is being discussed with others, but this programme will not proceed without investment within their capabilities.

In previous submissions our Clients have consistently stated that the subject land is not part of any racing establishment, is in different ownership, and that the stables will continue. The land is agricultural.

Background.

After long periods of previous DPD consultations, including landscape, archaeological, highways, local community open day and parish council etc. assessments, and in the knowledge of horse racing issues during the consultation process the Council concluded in 2013 and again in 2014 that the site be considered a preferred site for housing development in Lambourn, subject to safeguards. This consideration was under LAM007. Our Client was notified in June 2015, that the preferred site status was proceeding to Council for confirmation in the progress to the EIP stage.

Suddenly, in July, 2015, the process was "pulled" and late in October 2015 our Client was notified that LAM007 was rejected in the recommendations for the DPD to be put before the Council on 5 November, 2015. The reason given was conflict with the Council's Policy (CS12) of protection for the horse racing industry in Lambourn, as the retention of the site in such use is considered important to that industry.

On further investigation, our Client discovered that the tenant of Highview had submitted objections in or about September to the allocation, on the need of the site for "turn out", and that with other objections about horses being on the land, caused the change. Our Client was unaware of these comments, and on 30 October his solicitor wrote to the Council requesting that the Council's decision be deferred pending an opportunity to consider and reply to what had been said – "the right to reply". It is also significant that the Council substituted the LAM007 site with a smaller linear development site at LAM015 (now HAS 20/RSA 23), which only entered the process very late in the day and had not gone through the same rigours of assessment that all other Lambourn sites have experienced.

The objection was spurious as "turn-out" land though useful, is not essential, and is not necessary in any case to "adjoin" stables. The tenant at Felstead (who is very successful) does not have it, it is not usual in Lambourn, and our Client has expert testimonials to this effect. Furthermore, the land excluded from the submission can still be used for grazing etc.

The Issues.

From the consultation documents and the papers before the Council on 5, November, 2015, it is evident that at every appropriate stage, including to the “stalled” recommendation stage in mid 2015, that LAM007 was a preferred site.

All the consideration parameters were, subject to safeguards considered positive and the conclusion of the SHLAA was “the site is proposed for a mix of dwellings and densities to suit the needs of the area”. It is significant that horse racing industry and highways concerns had been considered and dismissed in reaching the conclusion. 48% of respondents to Parish Council questionnaire favoured the site for residential development as their first or second choice.

Clearly something happened in the period from mid 2015 to the Council’s report in November, 2015, and those events were touched on by the last Inspector but in the absence of any explanation by the Council as to why an acceptable site had been dropped in favour of less favourable one(s) they appeared to us be:

- 1) Objections from a tenant and others relating to the horse racing industry issue;
- 2) The appearance in the document of a brand new site LAM015 in Newbury Road;
- 3) Highway comments;
- 4) A contention relating to the delivery of the site.

We address each issue in turn.

1. The Racehorse Industry.

This issue significantly rests upon the assertions of the tenant and others and ignores the history of the site’s previous submissions. Comments had been received by the Council on this subject before June 2015, and the Council had given LAM007 “preferred status”.

The planning basis for current omission of LAM007 is stated in the papers as Core Strategy Policy CS12. This policy is based on three core objectives :-

- Retention of suitable establishments/facilities;
- Resistance to permanent fragmentation;
- Redevelopment away from **essential** uses to the industry will be subject to suitability and necessity tests.

Fundamental to application of the policy is an understanding of the particular site characteristics and industry practice.

Our Client and his wife, through their interests have two yards, one at Felstead Court and the other at Highview in Lambourn. It should be noted that the subject land is not part of any racing establishment and in separate ownership from the adjacent stables of Felstead Court and Highview, which are in Company ownerships, and now let, having previously been operated by the Clients wife (as trainer) and himself until their retirement due to health and age issues.

Felstead Court, which is also subject to a tenancy, is larger and has no adjacent land within its agreement (more follows). The tenant of Felstead is very successful – hence the need for further investment in new and improved stables.

To the south of site LAM007 is a housing development (Rockfel Road), formerly part of the proposal land, on which our Client obtained residential permission via an appeal in the 1980’s. This land was subsequently built out by Westbury in the 90’s.

To the east of the site, at Stork House stables in 2002 our Client obtained residential permission, and separately, a new stables (i.e. the Highview) permission. Although the permissions are subject to S.106 Agreements, these agreements (relating to open space and jockeys accommodation at Highview) do not bind or enjoin site LAM007 in any way. The residential site was, subsequently, built by Bovis.

In addition, to the new Highview Stables, through our Clients’ companies, they have invested at the

Felstead and Highview sites in a stable lads accommodation unit, a horse walker, and ancillary developments. They are currently planning further stables investments at Felstead, additional lads accommodation units and a new stables. So rather than destroying the race horse industry by seeking residential development, through their Companies, our Clients are one of the few in Lambourn to be heavily investing in it and have been able to do so because of the capital gained from gradual residential development.

The subject land LAM007 is not part of the Felstead Court or Highview stables ownership, is not necessary for the stables and is agricultural in use. In short our Client can plough it, or keep any animals for sustenance on it or grow crops on it.

Our Client is desirous of exploring the potential for either an alternative combined scheme (residential, stables, and lads units) or an alternative proposal including say, residential frontage development on the Folly Road frontage, with lads accommodation in the south eastern corner accessed off Rockfel Road, new stables at Felstead Court and a totally new stables in the north western corner.

The LAM007 land is agricultural, in accordance with the definition in the Town & Country Planning Act 1990. When our Client acquired the land from the Goulandis family trust it had been historically used for the grazing of pedigree cattle for sustenance and until three years ago it was intermittently used from Goulandis times by 3 local farmers for the grazing of sheep. All these animals grazed for sustenance from the land. Racehorses do not graze for sustenance as is explained later. To use land for the keeping of racehorses for commercial purposes is a separate user, which requires planning permission. There has never been a planning permission for such a use on the site, and to benefit from any lawfulness the horse related use would require 10 years of uninterrupted activity – 3 years is insufficient. Legally, there is no application of Policy CS12 to the land.

The main facilities required for the training of a racehorse consist of a well ventilated stable, good food, clean hay, bedding and water together with the ability of the trainer to exercise a horse safely on a sound surface as provided by the excellent public training grounds in Lambourn. Other facilities can also include horse exercisers such as walkers and turn out pens like those manufactured by Claydon. The Claydon Turnout Pens, as an example, are designed for restricted and controlled turnout in order to avoid horses galloping when they are shod with metal shoes on all four feet. The crucial factor is horses are at high risk of injury to themselves and to other horses if turned out on large areas, which owners, insurers and the like would not want. Racehorses in licensed training yards are there for the purpose of being trained for the racetrack. They are shod with metal shoes in front and behind in order that they remain sound during their training routine and that they have additional grip and stability in training and racing conditions. Most trainers will have two or three turnout pens up to the recommended 30' in diameter or a small restricted, well rail fenced area, of similar dimensions, if a shod horse needs turning out. It would be negligent to turn such horses out, other than in restricted areas.

Horses in training for the racetrack are fed on a high protein specialised diet - they DO NOT get their sustenance from turn out.

Our Clients two yards, which adjoin the LAM007 site are training yards and both have turn out pens, separate from the site proposed for housing. There also is an area of land which has been deliberately excluded, and will be kept open and free from any development.

In summary on the facts the land is agricultural, does not do away with or fragment any facilities and does not involve any facilities essential to the racehorse industry.

2) The appearance in the document of a new site LAM015 now HSA20/RSA 23 in Newbury Road;

This is dealt with under our comments on site HAS 20/RSA 20, formerly LAM015.

3) Highway comments;

In all previous considerations of site LAM007 there has not been any highways objection to the development of the site in whole or in part.

Our Clients commissioned Highways Consultants to re-examine the situation. Development Transport Planning Ltd concluded, that, *"in summary, they do not consider there are any substantive highway reasons for Site LAM007 to be excluded from consideration as a site to be allocated for housing in Lambourn"*.

4) A contention relating to the delivery of the site.

The site is readily available and can be delivered.

Other matters.

Other matters that have been raised by third parties include the following:-

Amenity

There are several opportunities for access from the LAM007 site onto Rockfel Road or on to Folly Road none of which need impact on adjoining houses.

The local impact on views due to topography is strictly limited as the Council's Landscape Assessment demonstrates.

Any scheme for development can be designed in such a way as to provide a good standard of amenity for proposed properties and to protect the amenities of existing properties.

Foul Sewers

Work has recently been carried out by Thames Water. Increased sewage from this new development can be accommodated.

Drainage

A combination of surface water drainage and SUDs can ensure the site is adequately drained without off site impacts.

Infrastructure

The development will make CIL contributions towards any infrastructure improvements that are required.

Lastly in the West Berkshire Housing Site Allocations Development Plan Document - Inspector's Report March 2017 by David Hogger BA MSc MRTPI MCIHT he stated:-

"88. Another site in the settlement between Folly Road and Stork House Drive (LAM007 in the SHLAA) displays similar characteristics to the allocated site at Lynch Lane. However, the proposed allocation is sound and there is no justification at this time for allocating further development within the AONB because the limit of 2,000 dwellings, as set out in the CS, would be significantly breached. I note, however, that there is a commitment from the Council to reconsider this site as part of the WBLP preparation".

This has not been done and the site has not been included in the Draft Plan.

Conclusion

All these matters were raised before Inspector David Hogger in the last Examination and the Council made a commitment to reconsider the site in front of the Inspector. This has not been done

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:

Please see other submissions on this specific point.

4. Proposed Changes

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

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

We consider that site LAM007 should be allocated for housing and the settlement boundary altered to include this site. It has previously considered to be a suitable site. It is the more logical site of the two considered (HAS 19/RSA 22 and HAS 20/RSA 23) and has been assessed as being sustainable. Unlike the other two it can come forward straight away to be developed. The fundamental principle of the NPPF is the presumption in favour of sustainable development.

Elsewhere we have submitted that the housing requirement as a minimum, the LPR relies too heavily on windfall sites, the Plan must meet unmet need from elsewhere and further sites are required. Therefore in the alternative we consider there is no clear planning reason why additional sites should not be allocated for development especially at Lambourn. This has the services available in the town, which is recognised as a Rural Service Centre in the existing and proposed Development Plan with development potential. This positive preparation would make the Draft LPR sound.

Allocation of Site LAM007 would be a positive approach to plan preparation and meeting the objectively assessed needs of the housing market. Allocation of the site would comply with the existing and proposed Development Plan spatial strategy because Lambourn is a Rural Service Centre where additional housing will be provided.

The site itself is deliverable and there are no insurmountable items which preclude its development. Its development would subsidise and support the equestrian industry. There are no highways reasons why the site cannot be developed.

The site complies with the adopted spatial strategy. It has been found to be a sustainable location for development. The NPPF has at its core a presumption in favour of sustainable development. The inclusion of LAM007 would be consistent with the NPPF and would make the Plan sound and effective.

Site LAM007 Land between Folly Road, Rockfel Road and Stork House Drive should be included in/restored to the Plan in Section 8 as a specific RSA/HSA Policy.

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 do not consider the LPR is sound and would like to participate in the examination.

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

6. Notification of Progress of the Local Plan Review

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

Please tick all that apply:

Tick

The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

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

Signature	M.Carter for Carter Planning Limited	Date	03/03/2023
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Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.