



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

**Ref:**

*(For official use only)*

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

This form has two parts:

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

**PART A: Your Details**

*Please note the following:*

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cannot be kept confidential and will be available for public scrutiny, however, your contact details will not be published.*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

	<b>Your details</b>	<b>Agent's details (if applicable)</b>
Title:		Miss
First Name:*		Katherine
Last Name:*		Miles
Job title <i>(where relevant):</i>		Director
Organisation <i>(where relevant):</i>	T A Fisher & Sons Ltd	Pro Vision
Address* <i>Please include postcode:</i>		The Lodge, Highcroft Road, Winchester, SO22 5GU.
Email address:*		████████████████████
Telephone number:		01962 677044

\*Mandatory field

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

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

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

Your name or organisation (and client if you are an agent):	Katherine Miles, Pro Vision (Agent) on behalf of T A Fisher & Sons Ltd
---	--

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

Section/paragraph:	
Policy:	RSA21: Please refer to the separate Representations.
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:*

*In respect of the allocation of this site only. We have made concerns on behalf of the same client in respect of the spatial strategy, housing requirement and housing delivery. Our support for the continued allocation of this site does not reflect support for the plan as a whole.*

## 2. Soundness

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

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

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

Please tick all that apply:

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

Please give reasons for your answer:

Please refer to the separate Representations.

## 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:

**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.*

**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:*

*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.*

<b>Signature</b>	<b>Katherine Miles</b>	<b>Date</b>	<b>2 March 2023</b>
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**Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.**

**WEST BERKSHIRE COUNCIL LOCAL PLAN REVIEW  
2022-2039: PROPOSED SUBMISSION  
CONSULTATION**

**LAND TO THE SOUTH OF THE OLD FARMHOUSE,  
HERMITAGE – DRAFT POLICY RSA21**

Representations prepared by Pro Vision on behalf of T A Fisher & Sons

March 2023

LAND TO THE SOUTH OF THE OLD FARMHOUSE, HERMITAGE – DRAFT POLICY RSA21  
WEST BERKSHIRE COUNCIL LOCAL PLAN REVIEW 2022-2039: PROPOSED SUBMISSION  
CONSULTATION

PROJECT NO. 50580

**PREPARED BY:**

KERRI CRUTCHFIELD MRTPI  
SENIOR PLANNER

**CHECKED BY:**

KATHERINE MILES MRTPI  
DIRECTOR

**DATE:**

MARCH 2023

**PRO VISION**

THE LODGE

HIGHCROFT ROAD

WINCHESTER

SO22 5GU

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## 1.0 Introduction

- 1.1 These representations have been prepared by Pro Vision on behalf of our client T A Fisher & Sons in response to West Berkshire Council's consultation on its Local Plan Review 2020-2039: Proposed Submission.
- 1.2 Our client welcomes the opportunity to be involved in the preparation of the Local Plan Review and it is within this context that they wish to make representations to the draft Local Plan.
- 1.3 Our client owns land in the District that has been allocated for development in the draft Local Plan. This relates to Land to the South East of the Old Farmhouse, Hermitage, which is proposed for allocation in Policy RSA21 for approximately 10 dwellings. This carries forward the allocation of the site for development from the adopted Housing Site Allocations Development Plan Document (DPD) (May 2017), as set out in Policy HSA25.
- 1.4 Our client supports the proposed allocation of the site and is keen to continue working collaboratively with the Council to secure its sustainable development pursuant to the Outline Planning Permission for 21 dwellings which has already been achieved.

## 2.0 Representations

2.1 As outlined above, Policy RSA21 of the draft Local Plan allocates land owned by our client to the South East of the Old Farmhouse, Hermitage, for approximately 10 dwellings. This carries forward the allocation of the site for development from the adopted Housing Site Allocations Development Plan Document (DPD) (May 2017), as set out in Policy HSA25.

2.2 The site's recent planning history is summarised below.

2.3 Outline planning permission was granted on 20 November 2018 (ref. 17/03290/OUTMAJ) for the following development:

*“Outline application for demolition of farmyard buildings, retention of The Old Farmhouse and the erection of up to 21 new dwellings, improved vehicular access off Newbury Road, car parking, public open space and landscaping. Matters to be considered – Access”*

2.4 On 15 July 2020, the Council refused an application under Section 73 of the Town and Country Planning Act 1990 (as amended) *“to vary Condition 4 (approved plans) of previously approved application 17/03290/OUTMAJ to amend the parameter plan”* (ref. 19/02993/OUTMAJ). A subsequent appeal was allowed under ref: APP/W03040/W/20/3258901.

2.5 The reserved matters application is currently pending consideration (ref. 21/02923/RESMAJ).

2.6 Our client is pleased to note some amendments made to the policy in relation to our representations on the Regulation 18 version of the draft Local Plan; we therefore support this policy.

2.7 We would however suggest that the Policy wording be updated to reflect that the site does benefit from an implementable Planning Permission for 21 dwellings. This includes land within the existing Settlement as well as that covered by RSA21. It would we feel be more transparent to refer to this extant permission.

### 3.0 Conclusion

- 3.1 These representations have been prepared by Pro Vision on behalf of our client T A Fisher & Sons in response to West Berkshire Council's consultation on its Local Plan Review 2022-2039: Proposed submission.
- 3.2 Our client owns land in the District that has been allocated for development in the draft Local Plan. This relates to Land to the south east of the Old Farmhouse, Hermitage, which is proposed for allocation in Policy RSA21 for approximately 10 dwellings. This carries forward the allocation of the site for development from the adopted Housing Site Allocations Development Plan Document (DPD) (May 2017), as set out in Policy HSA25.
- 3.3 Our client supports the proposed allocation of the site and is keen to continue working collaboratively with the Council to secure its sustainable development.


**West Berkshire Local Plan Review 2022-2039**
**Proposed Submission Representation Form**
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**PART A: Your Details**

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	Your details	Agent's details (if applicable)
Title:		Miss
First Name:*		Katherine
Last Name:*		Miles
Job title (where relevant):		Director
Organisation (where relevant):	T A Fisher & Sons Ltd	Pro Vision
Address* <i>Please include postcode:</i>		The Lodge Highcroft Road Winchester SO22 5GU
Email address:*		[REDACTED]
Telephone number:	0118 933 3500	01962 677 044

\*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):	Miss Katherine Miles, Pro Vision (Agent) on behalf of T A Fisher & Sons Ltd
---	---

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

Section/paragraph:	Please refer to the separate Representations
Policy:	Please refer to the separate Representations
Appendix:	Please refer to the separate Representations
Policies Map:	Please refer to the separate Representations
Other:	Please refer to the separate Representations

### 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:*

Please refer to the separate Representations

## 2. Soundness

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

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

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

Please tick all that apply:

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

Please give reasons for your answer:

Please refer to the separate Representations

## 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 refer to the separate Representations

#### 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.*

Please refer to the separate Representations

#### 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:*

*To ensure that the views of our client in respect of the removal of the allocated site known as 'Land to the rear of The Hollies, Burghfield Common' and the inconsistencies in the spatial strategy, particularly towards development within the DEPZ, are heard*

*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	[REDACTED]	Date	3 March 2023
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Your completed representations must be received by the Council by 4:30pm on

**Friday 3 March 2023.**



**WEST BERKSHIRE COUNCIL LOCAL PLAN REVIEW  
2022-2039: PROPOSED SUBMISSION  
(REGULATION 19) CONSULTATION  
LAND TO THE REAR OF THE HOLLIES  
READING ROAD  
BURGHFIELD COMMON**

Representations prepared by Pro Vision on behalf of T A Fisher & Sons

March 2023

**LAND TO THE REAR OF THE HOLLIES**

WEST BERKSHIRE COUNCIL LOCAL PLAN REVIEW  
PROJECT NO. 50929

**PREPARED BY:**

JAMES BLAKE MRTPI  
SENIOR PLANNER

**CHECKED BY:**

KATHERINE MILES MRTPI  
DIRECTOR

**DATE:**

MARCH 2023

**PRO VISION**

THE LODGE  
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SO22 5GU

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## 1.0 Introduction

- 1.1 These representations have been prepared by Pro Vision on behalf of our client, T A Fisher & Sons, in response to West Berkshire Council's ('the Council') consultation on the Local Plan Review 2022-2039 (Regulation 19) Consultation (January 2023).
- 1.2 Our client has an agreement with the landowners of the site, known as 'Land to the rear of The Hollies' in the District, which currently forms part of an allocated site for approximately 60 dwellings under Policy HSA16 in the adopted Housing Site Allocations Development Plan Document (HSADPD) (May 2017).
- 1.3 It is understood the 'emerging draft' Local Plan Review (LPR) no longer seeks to carry this allocation forward. This is despite part of the allocated site having already been built out and now occupied by residents. The Council say this is because the site now falls within the extended Detailed Emergency Planning Zone (DEPZ) of AWE Burghfield. The DEPZ was extended as a result of the updated Radiation (Emergency Preparedness and Public Information) Regulations (REPPiR) 2019.
- 1.4 Our client **does not** support the removal of this allocated site from the Development Plan. Our client is keen to work collaboratively with the Council to secure the development of the remaining part of this currently allocated site. These representations therefore focus on responding to the removal of the allocated site from the LPR and the changes proposed to Policy SP4 in relation to AWE Aldermaston and AWE Burghfield.
- 1.5 These representations also seek to respond to the Council's development strategy (including Policies SP1 and SP3, SP12 and SP14) and decision-making in relation to an effective 'moratorium' on new development within Burghfield Common, despite the village remaining as a 'Rural Service Settlement', which offers '*development potential appropriate to the character and function of the settlement*', according to the proposed Spatial Strategy.
- 1.6 These representations also discuss Policy RSA12, which seeks the provision of approximately 100 dwellings within Burghfield Common<sup>1</sup>, within the extended DEPZ.

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<sup>1</sup> Approved under applications 22/00325/RESMAJ and 18/02485/OUTMAJ.

1.7 In order to consider whether a Local Plan is sound, reference needs to be made to the National Planning Policy Framework (NPPF) (July 2021) paragraph 35. This identifies that a sound Plan is:

- a) **Positively Prepared** – ‘providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development’;
- b) **Justified** – ‘an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence’;
- c) **Effective** – ‘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’; and
- d) **Consistent with National Policy** – ‘enabling the delivery of sustainable development in accordance with the policies in this Framework’.

1.8 It is in light of these criteria that the LPR (Regulation 19) version has been considered. We find the de-allocation of site HSA16 is not consistent with the Council’s approach to its development strategy and the settlement hierarchy. In addition, its approach towards a ‘moratorium’ on further development within the parish of Burghfield Common is flawed.

## 2.0 Representations

### Overview

- 2.1 As outlined in Section 1, the LPR no longer seeks to carry forward the site subject of these representations as an allocated site for residential development.
- 2.2 HSADPD Policy HSA16 sets out to deliver approximately 60 dwellings with a mix of dwelling types and sizes, as did draft Policy RSA19 of the Local Plan Review 2020-2037 (Regulation 18), although this has since been removed from the latest iteration of the Local Plan Review 2022-2039 (Regulation 19).
- 2.3 In Appendix 7 (Schedule of Policies to be Superseded / Deleted) of the LPR there is no explanation why the site has been removed from the Plan, simply that *“The following site allocation policies from the Housing Site Allocations DPD 2006-2026 have not been carried forward as part of the LPR because they are not considered deliverable at this time:*
- *HSA6 Poplar Farm Cold Ash*
  - *HSA16 The Hollies Burghfield Common”.*
- 2.4 The definition of ‘deliverable’ is provided within the NPPF and states: *“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years...where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years”.*
- 2.5 The site is under option to a housebuilder who has submitted a full application for planning permission on the allocated site. The site is therefore regarded as deliverable under the NPPF definition.
- 2.6 The currently allocated site’s recent planning history is necessary to consider and is summarised below.
- APP/W0340/W/22/3312261 – appeal against the refusal of application 22/00244/FULEXT on land to the rear of The Hollies – submitted to the Planning

Inspectorate 30 November 2022 (elevated to an Inquiry – currently undetermined at the time of this representations submission).

- 22/02010/PREAPP – *“pre-application advice consultation for a proposed development of up to 32 residential dwellings (Use Class C3), including access, associated parking, landscaping and Public Open Space (POS)”* on land to the rear of The Hollies – advice received 1 November 2022.
- 22/00244/FULEXT – *“erection of 32 dwellings including affordable housing, parking and landscaping. Access via Regis Manor Road”* on land to the rear of The Hollies – refused planning permission 1 June 2022.

2.7 The 32 dwellings refused under application 22/00244/FULEXT sought to make up the remainder of the 60 allocated dwellings under Policy HSA16. The application was refused for the following (summarised) reasons:

1. The need for a legal agreement to secure Affordable Housing;
2. The site’s location within the extended DEPZ and the impact of the development on public safety; and
3. The impact of the development on protected trees.

2.8 Reason for Refusal 1 and 3 are considered to be able to be suitably addressed. Reason for Refusal 2 is to be the main focus for discussion at the upcoming planning appeal Inquiry.

2.9 The following two applications relate to the eastern parcel of the allocated site (i.e. land which our clients do not have an interest in). Nonetheless, as the eastern parcel forms part of the same allocation and is within the extended DEPZ, its planning history is relevant.

- 19/00772/RESMAJ – *“approval of reserved matters application following outline application 16/01685/OUTMAJ for 28 dwellings. Matters to be considered: Appearance, Landscaping, Layout and Scale”* on land adjacent to Primrose Croft – granted permission on 8 August 2019.
- 16/01685/OUTMAJ – *“outline planning application for 28 dwellings. Matters to be considered: Access. Matters reserved: Appearance, Landscaping, Layout and Scale”* on

land adjacent to Primrose Croft – granted outline planning permission on 30 October 2018.

- 2.10 The 28 dwellings on the eastern part of the allocated site have since been built out by Crest Nicholson Operations Ltd and are now occupied.
- 2.11 Table 3.1: Neighbourhood plans of the Site Selection Methodology (January 2023) identifies that within the Designated Neighbourhood Area of Burghfield Common, there will be no allocations as *“The Atomic Weapons Establishment (AWE) has a base within the Parish. Changes to legislation have resulted in the redetermination of the emergency planning arrangements around AWE Burghfield. The Detailed Emergency Planning Zone (DEPZ) for AWE Burghfield now covers the whole Parish. Due to the presence of the DEPZ, it is not considered appropriate to allocate further sites for housing in Burghfield”*.
- 2.12 An update to the HELAA has been prepared (January 2023) as part of the evidence base which excludes the site. There is no commentary on why ‘The Hollies’ site has been removed from the HELAA. However, other sites within Burghfield Common (and therefore within the extended DEPZ) are shown as not being ‘automatically excluded’ from further consideration<sup>2</sup>, although are noted not being deliverable for an arbitrary 15 years. However, this does imply that these sites might be deliverable within the longer term, which is an acceptance that the DEPZ is not in fact placing a moratorium on development.
- 2.13 The HELAA confirms at paragraph 2.2 that sites within notified safety zones (i.e. AWE Burghfield) will not automatically be excluded and instead *“the impact will be assessed on merits, taking into account the type of development and the nature of the hazard. Therefore, sites within notified safety zones have gone through to Stage 2 of the HELAA (site assessment) and advice from the Ministry of Defence has been fed into the site assessment”*.
- 2.14 Taking the above into account and noting that other sites are put forward for residential development within the extended DEPZ, the site should not be excluded from the HELAA and we consider it remains still suitable, achievable, available and deliverable now, being within the control of our client, a local house builder.
- 2.15 It is also relevant to note, having regard to the definition of “deliverable” in the NPPF, that the Council has carried forward the allocation of site at Poundhouse Farm (HSA15) into Policy

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<sup>2</sup> BUR1, BUR2 BUR4, BUR8, BUR9, BUR10, BUR11, BUR15, SUL1, SUL2, SUL3, SUL4 SUL6



RSA12 of the LPR. This allocation is for significantly greater development – 100 dwellings – than the 32 dwellings at The Hollies. The two sites share a boundary. Both sites are currently allocated within the Housing Site Allocations DPD. Both sites were regarded as deliverable in the Annual Monitoring report for 2021/22 and in the Regulation 18 Local Plan consultation before that, yet the Council has singled out The Hollies for deallocation. This is not positive planning. If this is allowed to continue, it will leave an undeveloped gap within the settlement policy boundary.

- 2.16 In summary, we consider that the Council’s failure to carry forward allocation HSA16 into the plan is not justified. No sound reasons have been provided and this results in the plan not being positively prepared. The LPR is therefore unsound as drafted.

#### **Policy SP4 – AWE Aldermaston and AWE Burghfield**

- 2.17 With reference to Policy SP4 of the LPR, it is noted the site falls within the Atomic Weapons Establishment (AWE) Detailed Emergency Planning Zone (DEPZ) for AWE Burghfield, as identified by the maps in Appendix 3 of the Plan.

- 2.18 Policy SP4 explains that *“in the interests of public safety, and to ensure that any proposed developments do not pose an external hazard to the AWE sites, any new development... located in the Detailed Emergency Planning Zone (DEPZ) of... AWE Burghfield is likely to be refused planning permission by the Council, especially when the Office for Nuclear Regulation (ONR) and/or Ministry of Defence (MoD) have advised against that development and/or objection”*.

Within the DEPZ, the ONR is to be consulted on applications for *“any new development, re-use or re-classification of an existing development that could lead to an increase in residential... populations thus impacting on the off-site emergency plan”*.

- 2.19 We consider that as the site was allocated in the 2017 HSADPD and that only part of the allocation has been completed to date the site’s development is in accordance with the allocation policy and can be accommodated without compromising the safe functioning of AWE Burghfield, public safety or impacting adversely on the function of the Emergency Plan.

- 2.20 Therefore, the principle of development remains plainly acceptable.

- 2.21 Prior to the submission of application 22/00244/FULEXT, correspondence with the Council’s Principal Planning Officer on 14 January 2021 identified that:

*“Our position is that the HSA DPD allocation remains in the Local Plan, so the principle of development is established. You will probably have seen our current consultation on the emerging Local Plan Review which proposes rolling forwards this [Policy HSA16] allocation”.*

- 2.22 This provided confidence to our client to proceed with an application on the site for the remaining balance of 32 dwellings of the allocated 60 dwellings.
- 2.23 Following the refusal of 22/00244/FULEXT, our client submitted a request for Pre-application Advice (22/02010/PREAPP). Part of the Council’s response was to indicate that from a planning policy perspective, ‘senior officers’ at the Council now considered there to be a ‘moratorium’ on all new development in the DEPZ in West Berkshire. However, we consider this was not, or never was, the intention of the DEPZ.
- 2.24 The updated REPPiR Regulations (2019) resulted in the extension of the DEPZ around AWE Burghfield to include the settlement of Burghfield Common. However, this has not prevented the delivery of development within the DEPZ. Indeed, the Annual Monitoring Report (AMR) (January 2023) shows at Table 3.7 that Phase 1 of Policy HSA16 was completed in 2021/2022, whilst Table 3.20 identifies there is an outstanding commitment for 114 dwellings within the DEPZ at Burghfield.
- 2.25 Further, Paragraph 3.34 of the AMR states that *“Due to the introduction of the new [REPPiR] that came into force in 2019, it extended the existing AWE land use planning consultation zone known as the DEPZ (Detailed Emergency Planning Zone). From 2020/21 onwards any development within the DEPZ will therefore be **monitored**”* (our emphasis).
- 2.26 The AMR is a significant and material consideration relating to the principle of development on this site. If the Council intended to prevent any further development in the DEPZ, then the AMR, published after the decision on application 22/00244/FULEXT was made, would have removed the site from Table 3.7 (Local Plan Housing Sites progress). It has not. In addition, the Council state that development within the DEPZ will be *“monitored”*. This is entirely different from placing a ‘moratorium’ on all development in the DEPZ. There is clearly therefore an inconsistency between the Local Plan evidence base and Appendix 7 of the LPA – the evidence base does not support the exclusion of this site from allocation in the LPR nor does it support that this site *“is not deliverable at this time”*. As above, the LPR is therefore unjustified on this basis.

- 2.27 The REPP19 Regulations require the Council to prepare an off-site Emergency Plan to cover the DEPZ and to review and update the plan as necessary. It became clear at a Pre-application meeting held in October 2022 that a 'line in the sand' was drawn by the Council's Emergency Planning Officer, who personally decided that sites with outline planning permission should be included in the Emergency Plan's provisions and to exclude sites that were allocated for development. This personal view clearly does not take account of the definition of deliverable in the Framework.
- 2.28 The purpose of an allocated site is to establish the principle that a suitable form of development can be located on a particular site. Allocated sites should therefore automatically be included within the provisions of an Emergency Plan, regardless of whether they have achieved planning permission or not. The Emergency Planning Officer's decision was not based on any satisfactory legislative rationale or guidance, but on a personal judgement. It remains unclear as to why the provision of a further 32 dwellings on the remainder of the allocated site could not be accommodated in the Emergency Plan when the REPP19 Regulations accept that such plans will need to be amended to reflect changes over time. Indeed the original emergency plan has had to be updated to include the whole settlement of Burghfield and Burghfield Common as well as other settlements in Wokingham District, Basingstoke and Deane Borough and development on the edge of Reading. Therefore in 2019 the plan had to have a significant update and the Council has failed to provide any evidential reasoning as to why it could not accommodate this single allocated site but could accommodate all others.
- 2.29 At the time of preparation of the Regulation 18 draft Local Plan there had been no increase in risk at AWE Burghfield in the AWE Detailed Emergency Planning Zone Report dated 4 March 2020, prepared by the Council's Emergency Planning Officer for Members of West Berkshire Council. The Report stated in Section 3, under the heading 'Risk Management' that *"It is important to note that there are **no changes in activity on the AWE sites, and there is no greater risk to the public than before this legislation was introduced**"* (our emphasis). This is repeated in the conclusion at paragraph 7.1. Subsequently, a further *"declaration of no change"* for AWE Burghfield was issued in November 2022. Therefore, the 'risk' of an incident occurring has not increased and so development should not be restricted in the updated DEPZ. In the updated report prepared by the Council in January 2023, similarly it is stated that there is no change in activity at AWE and no greater risk to the public. The change in the planning policy position in respect of this site between the Reg 18 consultation and this Reg 19 consultation is therefore not explained or evidence based.

- 2.30 Nevertheless, and importantly, the Regulations and the Guidance do not preclude development within the DEPZ. They do not state that development should be prevented from coming forward just because it is in the DEPZ. On the contrary, REPPiR-19 Regulations recognise that the population within the DEPZ will naturally change within the life of the emergency plan hence why Regulation 12 of REPPiR-19 Regulations require the Council to, at intervals not exceeding three years, review and revise the emergency plan.
- 2.31 The Regulations also envisage that development will come forward within the DEPZ, and there are many passages in the Guidance which acknowledge that development will take place in the DEPZ, particularly paragraph 250: *“In order to understand if a change in the local area necessitates a re-determination [of the DEPZ], the local authority should consider developments within or adjacent to the detailed emergency planning zone taking into account their potential impact on the effectiveness of the emergency plan”*.
- 2.32 As such, it is only the Council’s role to *consider* whether proposed development can be accommodated within the off-site Emergency Plan, not to treat the DEPZ as an absolute constraint onto any development. The REPPiR-19 Regulations clearly do not support the Council’s ‘moratorium’ on development in the DEPZ. Furthermore, in respect of the offsite Emergency Plan, paragraph 13 of the appeal decision at Boundary Hall, Tadley in 2011, confirms the Secretary of State’s conclusion that *“that the Off Site Plan is designed to be **flexible and extendable** and that, while it is possible that the implementation of the application scheme would necessitate changes to the Plan, **the evidence does not lead to the conclusion that the Plan would fail**”* (our emphasis).
- 2.33 We are also aware of a recent (31 January 2023) Appeal Decision in Wokingham concerning a proposed residential development at Three Mile Cross. That appeal was allowed by PINS (**Appendix A**) with the Inspector accepting that:
- the risk to a person being harmed by an incident at AWE Burghfield was one in many thousands or millions of years. The risk to public safety was therefore very low. (Para 12)
  - if an incident were to occur, a person not sheltering (i.e. a person exposed to radiation from the plume) would receive a radiation dose less than the average annual dose received by residents in Cornwall. (Para 18)

- the proposal would not present a barrier to the ability of blue light services to safely carry out their duties, nor would it affect the Council’s ability to execute and manage its obligations under the REPPiR Plan. (Para 22)

2.34 Whilst we appreciate that decision was not available at the time the Council published this LPR for consultation, it does serve to highlight that residential development in the DEPZ can be allowed and therefore further supports the case for carrying forward the allocation of this site into the LPR.

2.35 In summary, we consider that the Council’s strategy for Burghfield is simply not justified or informed by the evidence, and that the Council’s misguided approach to the role of the REPPiR-19 Regulations has significant repercussions to the delivery of an allocated housing site and the objective of achieving sustainable development in this village.

2.36 Given the starting point for development should be a presumption in favour of sustainable development (NPPF Paragraph 10), we do not consider that Policy SP4 (particularly in reference to development likely being refused) is positively prepared. In addition, we consider the de-allocation of the site from the LPR on the grounds of it being within the extended DEPZ and its perceived impact on the function of the Emergency Plan is fundamentally incorrect. The LPR is therefore not sound and should not proceed to Examination.

### **Other Relevant Policies**

2.37 In relation to Policy SP1, the spatial strategy seeks to focus development within settlement boundaries, to optimise the use of previously developed land and make the best use of land whilst conserving and enhancing the distinctive character and identity of the built, historic and natural environment. We agree with this strategy in the context of the continued allocation of land to the rear of The Hollies.

2.38 Policy SP3 identifies Burghfield Common as a ‘Rural Service Centre’, which offers *“development potential appropriate to the character and function of the settlement through: Infill or changes of use within the settlement boundary; non-strategic sites allocated for housing and economic development through other policies in the LPR or neighbourhood plans; and rural exceptions affordable housing schemes”*.

2.39 However, this policy appears to be at odds with the Council’s position in respect of The Hollies as it does not rule out further development in Burghfield Common, despite the approach taken

within Policy SP4 which sets out that proposals for development within the DEPZ are likely to be refused.

- 2.40 Burghfield Common is recognised by Table 1 of the LPR as a Rural Service Settlement meaning that it has a good range of services and opportunities. Paragraph 4.32 of the draft plan states *“the six rural service centres across the District provide a focal point for the surrounding villages and rural areas in terms of the provision of services and facilities. Although they do not have as wide a range of services as the urban areas, they are still sustainable locations”*. The draft LPR does not therefore support the vitality of the rural community of Burghfield Common since it fails to identify further opportunities for the village to grow and thrive. The LPR is contrary to the NPPF in that regard.
- 2.41 Policy SP12 seeks the provision of 8,721 to 9,146 net additional homes in West Berkshire for the period 1 April 2022 to 31 March 2039, where new homes will be located in accordance with Policy SD1: Spatial Strategy, Policy SP3: Settlement Hierarchy and Policy DM1: Development in the Countryside.
- 2.42 Again, this appears to conflict with the approach taken towards development under Policy SD4 where sites fall within the extended DEPZ. The remaining allocation of 32 dwellings would, however, contribute to the District’s housing supply in a modest, but important way.
- 2.43 Table 2 sets out the Housing Supply as at March 2022 and confirms there are 990 net units outstanding on HSADPD Sites. The remaining 32 dwellings on the site should be included within this figure.
- 2.44 Policy SP14 relates to sites allocated for residential development in the Eastern Area. An allocation of 100 dwellings on land adjacent to Pondhouse Farm (Policy RSA12) is identified for Burghfield Common. The Reserved Matters for this site were approved by the Council on 29 July 2022, despite Officer’s confirming the development *“would bring perhaps an additional 240 plus residents into the AWE inner protection zone as defined under policy CS8 in the WBCS of 2006 to 2026, since planning permission was granted prior to the new DEPZ being agreed, the Council cannot object to the development”*.
- 2.45 Notwithstanding the very clear and unreasonable inconsistency in the Council’s decision making between HSA15 and HSA16, Policy RSA12 is to be carried forward as an allocated site within the LPR despite Burghfield Common now being within the extended DEPZ. That site has apparently been accommodated as part of the Emergency Plan. This does clearly demonstrate

that the Emergency Plan can be made to be adaptable should the Council wish to make it in order to accommodate additional development. The Emergency Plan even states at paragraph 1.6 that *“West Berkshire District Council will ensure the plan is updated in accordance with:*

*c) following any organisational or progress changes*

*d) on at least a 3 yearly basis a full formal review will be undertaken”.*

- 2.46 Given the most recent Emergency Plan was in place from June 2022, Reserved Matters at the Pondhouse Farm site were granted in July 2022 and that the formal review date of the Emergency Plan is scheduled for 2022/2023, it is entirely feasible that our client’s site allocation for the remaining 32 dwellings can be accommodated within an updated version of the Emergency Plan.
- 2.47 As previously discussed, the Council have failed to provide clear justification over why having outline planning permission on an allocated site in the HSADPD 2017 (Policy HSA14) can be accommodated within an Emergency Plan, where the DEPZ was only extended post-2019 and reserved matters for that site was not then approved until July 2022, whilst provisions in the Emergency Plan for an adjacent allocated site, which had only been partially approved at the time the DEPZ was extended, cannot be made. This appears illogical and subject to personal views influencing proceedings rather than due process, and in terms of plan making is clearly unsound.
- 2.48 Our client’s site has since been removed from Policy SP14, despite being included in the Regulation 18 version of the draft Plan. Policy RSA16 has also been removed from the draft Plan. This results in the plan failing to be justified given the lack of any evidence provided to support the removal of the site.
- 2.49 Paragraph 6.33 identifies that *“if in the future the DEPZ is reviewed and the emergency planning arrangements are amended, then future reviews of the Local Plan will consider whether strategic allocations in this area would be suitable”*, suggesting that contrary to the Pre-application Advice received, there is no ‘moratorium’ on development, particularly as Policy SP3 still seeks to promote housing and economic development within Burghfield Common.
- 2.50 Referring back to the REPP19 Regulations, these clearly expect there to be changes over the life of an Emergency Plan, such that the Plan will need to be updated at least every three years.

There is therefore no sound reason why the Council's Emergency Plan cannot be updated to accommodate the remaining 32 dwellings on the allocated site, or that an arbitrary 'line', based on personal judgement alone, needed to be drawn to exclude half of an allocated site in an adopted Development Plan. That personal decision should not support the removal of this site from the LPR.

- 2.51 We therefore consider the Council has not properly reviewed or justified its approach towards development within the DEPZ of the AWE sites, particularly in relation to the provision of housing around AWE Burghfield and that there is confusion over the spatial strategy in relation to development within Burghfield Common.
- 2.52 We consider there are fundamental inconsistencies in the way in which other applications for development have been determined in the area, as an allocated site should hold the same weight as a site with planning permission having regard to the definition of deliverable in the Framework. In order to overcome our objections to this regulation 19 LPR, the Council should reinstate the allocation of the site in the Local Plan and update the Emergency Plan to accommodate it.



### 3.0 Conclusion

- 3.1 These representations have been prepared by Pro Vision on behalf of our client, T A Fisher & Sons, in response to West Berkshire Council's consultation on its Local Plan Review 2022-2039 (Regulation 19) (January 2023).
- 3.2 Our client has an agreement with the landowners of the site known as 'Land to the rear of The Hollies' in the District, which currently forms part of allocated site 'HSA16', in the adopted HSADPD (May 2017).
- 3.3 We note the allocation for the site is no longer included within the 'emerging draft' LPR, as the site falls within the extended Detailed Emergency Planning Zone (DEPZ) of AWE Burghfield, despite there being a remainder of 32 units still to be delivered.
- 3.4 Our client **does not** support the removal of this allocated site from the LPR.
- 3.5 These representations have therefore focused on responding to the unjustified removal of the allocated site from the LPR and the changes proposed to Policy SP4 in relation to AWE Aldermaston and AWE Burghfield as well as the development strategy and spatial hierarchy proposed by the LPR.
- 3.6 In particular, we consider the remaining number of dwellings should be carried forwards in the LPR as the development of the western part of the allocated site can be achieved and is deliverable now. We contend that the Emergency Plan can be updated to accommodate the delivery of 32 units without impacting adversely on the operation of AWE Burghfield, public safety or the functioning of the Emergency Plan. The LPR as currently drafted is unsound, as it is not justified, not consistent with the Framework and not positively prepared.
- 3.7 We trust these representations clearly set out our client's position at this stage and respectfully request that the above is given due consideration as part of the examination into the Local Plan Review 2022-2039 (Regulation 19) Consultation (January 2023). We would be happy to discuss these representations with the Council further or provide clarity over any matters of uncertainty, as necessary.

## Appendix A – Three Mile Cross Appeal Decision



## Appeal Decision

Inquiry held on 15-18, 22 and 24 November 2022

Site visit made on 17 November 2022

by G Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31<sup>st</sup> January 2023

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Appeal Ref: APP/X0360/W/22/3304042

Land west of Kingfisher Grove, Three Mile Cross, Reading, Berkshire, RG7 1LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
  - The appeal is made by JPP Land Ltd against Wokingham Borough Council.
  - The application, Ref: 201002, is dated 23 April 2020.
  - The development proposed is an outline planning application for the proposed erection of 49 affordable dwellings, with new publicly accessible open space and access (access to be considered).
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### Decision

1. The appeal is allowed and planning permission is granted for outline planning application for the proposed erection of 49 affordable dwellings with new publicly accessible open space and access, at land west of Kingfisher Grove, Reading, RG7 1LZ in accordance with the terms of the application, Ref 201002, dated 23 April 2020, subject to the schedule of conditions in Annex A of this decision.

### Preliminary Matters

#### *Change of development description*

2. **Prior to the Council's decision, the appellant requested a change to the description of development, altering the number of proposed affordable homes. The original description of development was: "Outline application for the proposed erection of 49 dwellings, including 22 units of affordable housing, with new publicly accessible open space and access from Grazeley Road."** Prior to the Inquiry, the appellant consulted interested parties on the intended description, with three submissions received, which I have taken into account together with all other correspondence. The Council agreed to the change.
3. Having considered this issue at the Case Management Conference held on 6 October 2022, I advised in the note of the proceedings that the change to the description of development does not raise any new issues, that it would not prejudice any party, and that sufficient consultation on the change has been undertaken. As such, it is reflected in the description of development in this decision.

### *Other matters and appeal background*

4. The appeal is submitted in outline form will all matters except access reserved for more detailed consideration at a later time. Parameter plans were submitted which are incorporated in the conditions at Annex A.
5. The development plan for the area **includes the Council's Adopted Core Strategy Development Plan Document (2010)**<sup>1</sup> (the Core Strategy) and the *Adopted Managing Development Delivery Local Plan (2014)*<sup>2</sup> (MDD), together with the *Shinfield Parish Neighbourhood Plan (2017)*<sup>3</sup> (the Neighbourhood Plan). **The Council's Local Plan review is at an early stage and is subject to** further consultation and revision. I therefore accord it only minimal weight in my decision.
6. In its statement of case, the Council stated that had it decided the application, it would have been refused for several reasons. Several of these inform the main issues set out below. Others are addressed by the completed and signed Planning Agreement (s106 Agreement)<sup>4</sup>, which was submitted during the Inquiry. A highways-based reason for refusal was latterly the subject of discussions between the appellant and the Council, during which the parties achieved common ground, and was not subject to examination at the Inquiry.

### Main Issues

7. The main issues are:
  - Whether the proposed development can be safely accommodated with regard to the proximity of the Atomic Weapons Establishment (AWE) site at Burghfield;
  - The effect of the proposal on the landscape character and appearance of the area; and
  - Whether the proposed development would provide appropriate accessibility for future occupiers.

### Reasons

#### *AWE Burghfield site*

8. The appeal site is around 2.8 kilometres to the east/northeast of the AWE Burghfield site, which is subject to the *Radiation (Emergency Preparedness and Public Information) Regulations 2019* (REPPIR)<sup>5</sup>. An urgent protective area (UPA) with a radius of around 3.16km has been established around the AWE site, and the appeal site is within this. The UPA is wholly within a detailed emergency planning zone (DEPZ), The *AWE Off-site Emergency Plan (2022)*<sup>6</sup> (the REPPIR plan) has been established for the DEPZ by West Berkshire District Council (WBDC). Should an incident occur, Wokingham Borough Council would have a role in managing and executing any emergency response.

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<sup>1</sup> CD 5.1.

<sup>2</sup> CD 5.3.

<sup>3</sup> CD 5.5.

<sup>4</sup> ID 07.

<sup>5</sup> CD 11.20.

<sup>6</sup> CD 11.5.

9. MDD Policy TB04 states that development will only be permitted when the applicant demonstrates that the increase in the number of people living, working, shopping and/or visiting the proposal can be safely accommodated having regard to **the needs of "blue light" services and the emergency off-site plan** for the AWE site. It was agreed at the Inquiry that blue light services includes emergency services, such as ambulances, that would be required for the operation of the REPPIR plan in the event of an AWE site incident. *National Planning Policy Framework* (2021) (the Framework) paragraph 95 suggests, amongst other considerations, that operational sites for defence and security purposes should not be affected adversely by the impact of other development.
10. The AWE Burghfield site has a role in maintaining national security that includes manufacture and disposal services. Despite the small risk of any accident occurring, emergency planning must be in place. One of the risks is a serious event in which radioactive material could be released into the atmosphere and which would most likely take the form of a plume that would be carried along the atmosphere according to wind direction, eventually dispersing. The type of activity taking place at AWE Burghfield means that any release of material would not be sustained, and thus any event would likely happen over hours or a small number of days.
11. Were an incident to occur, the most likely composition of a plume would be plutonium particulates. The type of activity carried out at the AWE Burghfield site together with the distance of the appeal site from the former means that although there are additional risks of different material release or various possible types of exposure, the greatest risk would be from inhalation. For example, larger particulates would be likely to drop from the atmosphere after being carried and settle on the ground before the plume were to pass over a 2.8km radius from the site.
12. The Council and the appellant agree that such a risk, or the risk of an incident occurring, is very small. The appellant carried out an exercise that considered potential risk factors of previously calculated event frequencies and the AWE Burghfield on-site fault sequences that could trigger an event, concluding that such an event could occur on a 1 in 10,000-year basis. The consideration of additional factors such as meteorological and wind conditions and adherence to the REPPIR plan reduces the risk of a person on the appeal site being harmed by such an incident to a single event in many more thousands or millions of years.
13. The REPPIR plan recommends sheltering within buildings during an event as the primary method of protection to human health. The barrier of a building (with closed doors and windows) would afford the greatest and most immediate and accessible type of protection in the event of the type described above. The REPPIR plan also sets out measures for potential evacuation either during or after the event, but it is unlikely that this would be required for the appeal site should the shelter-in-place recommendation be followed. The same low risk factors mean that the requirement to shelter would be over a short period of no more than two days.
14. The consideration of risk was relevant to **the Secretary of State's agreement to allow 115 dwellings at Boundary Hall<sup>7</sup> close to the AWE Aldermaston site, which performs similar work to that of AWE Burghfield and is also covered by the**

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<sup>7</sup> CD 6.8.

REPPIR plan. The minimum distance between Boundary Hall and AWE Aldermaston was agreed to be 740 metres. He concluded in that case that the **“extremely remote possibility” of an** incident did not outweigh the other factors that led to him allowing the application.

15. **The Council’s duties** under the REPPIR plan include the protection of the public and the organisation of emergency services. Its concerns are predominantly based on the ability of the plan to be carried out should the appeal development occur. Although only 49 properties and around 117 people, this would add to the number already within the DEPZ and UPA. The surroundings of the AWE site are predominantly rural, but other parts of the area have also been developed, and these include Burghfield Common, a larger residential settlement than Three Mile Cross, and Green Park, a mixed-use business area. These are to the west/southwest and north/northeast, respectively, of the AWE site. Although low in risk, I acknowledge that an incident would have a high impact as set out in the Crest Nicholson judgement<sup>8</sup>.
16. The unidirectional nature of wind means that if a plume was to occur then it would disperse in a singular direction. This would be dependent on specific weather conditions and wind speeds, which are factors that inform the low risk of a plume passing over the appeal site. The REPPIR plan sectorises the DEPZ radially from the AWE site. The plan seeks to prioritise assistance within the sectors over which the plume would pass. Although I heard at the Inquiry that blue light and other relevant services would be working at capacity should an event occur, these are planned to address all areas within the DEPZ. The settlements elsewhere within the area that are larger than those in the appeal site sector (or a sector area comprising the sector and its neighbouring sectors) are in different directions. Given that the plan has the capacity to cover an incident in those sector areas, and that service resources would be predominantly focused on only one sector area, I consider that the addition of the proposed dwellings on the appeal site would not compromise the delivery of the plan.
17. Other implications for the safety of appeal site residents were presented to the Inquiry, including responses from WBDC and other agencies. In particular, the safety of home care workers entering the DEPZ during an incident was in issue, and it was mentioned that the potential for affordable housing to accommodate those with home care meant that this could occur. The Council would not send staff into the DEPZ in an emergency without being confident that staff would not be at risk.
18. **Based on the appellant’s modelling**, were an incident to occur, a person at the appeal site who was not sheltering might be exposed to a radiation dose of 1.5 milliSieverts (mSv). Advice from the Health and Safety Executive categorises the **risk impact of such a dose to “minor”**<sup>9</sup>. By comparison, WBDC’s public advice<sup>10</sup> provides example levels of 0.02 mSv from a single chest X-ray, 1 mSv as the average annual dose in the UK from naturally occurring radon in homes and 2 mSv as the average total annual dose in the UK from natural radiation sources, 8 mSv as the average annual dose from all sources of radiation in Cornwall, and 500 mSv as the threshold for nausea and reduction in white blood cells. 20 mSv is listed as the annual legal worker dose limit.

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<sup>8</sup> CD 7.4.

<sup>9</sup> CD 11.12 (appendix 2).

<sup>10</sup> CD 11.21.

19. The effective dose received by anyone within the zone within the conditions set out previously would therefore be low, and lessened if REPPIR advice is followed. Although fear of contamination may prevent workers from entering the DEPZ, this could be disproportionate to the actual risk. Even in the event of plume particles settling on the ground in the appeal site, the risk from a dose following an incident would be lower than those occurring from the alternative sources set out above.
20. Should the REPPIR shelter-in-place advice be followed by those in the DEPZ, road traffic levels are unlikely to be greater than normal and the ability of services to access the zone would not be adversely affected. The possibility of self-evacuation by those within the zone was also raised as a potential safety issue, but this is addressed within the REPPIR plan and discouraged through the dissemination of public information. Other safety barriers such as being elsewhere on the appeal site away from shelter, travelling into the DEPZ, or not having access to a telephone landline (in the event of a safety announcement) are partly covered within the REPPIR plan. Alternatively, they are situations in which sufficient time would be available between the incident occurring and the plume passing over the site for people to become aware of the situation and gain access to shelter or other safety.
21. I have been made aware of other appeal decisions in which siting within the DEPZ have been factors in their dismissal<sup>11</sup>. In each of these cases the evidence was considered by way of written representations. The Inspector in the Diana Close appeal adopted a precautionary approach in the absence of detailed evidence. In comparison, the evidence presented to me in this appeal has been examined and tested. Given its bespoke circumstances, I do not consider that it would result in the creation of a precedent for allowing other development in the DEPZ that in any case must be assessed on its own merit.
22. I therefore conclude that the proposal would not present a barrier to the ability of blue light services to safely carry out their duties, and nor would it affect the **Council's ability to** execute and manage its obligations under the REPPIR plan. Furthermore, people living in or using the appeal site could be safely accommodated. Together, these considerations form the thrust of MDD Policy TB04 and, as such, I find no conflict with this policy. Additionally, the development would not adversely affect the continued operation of the AWE site, and there would be no conflict with the NPPF.

#### *Landscape character and appearance*

23. The site is to the west of the existing built-up area of Three Mile Cross, and to the east of the A33. Its sole road access is at its northernmost point, from the junction of Grazeley Road and Kingfisher Grove. The land slopes downward generally from a ridge close to the eastern boundary, and apart from a shed and some vehicles close to the entrance, is vacant, having been used for agriculture. It currently has a grassland appearance dotted with trees, particularly along ditches close to the western edge and on the southern portion of the site.
24. At least the southern part of the site is historically associated with a former stately home and this also adjoins an area of open grassland (known as a suitable alternative natural greenspace, or SANG, area). A footpath (known as

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<sup>11</sup> CD 6.7, CD 6.20, CD 6.21.

**a byway open to all traffic, or BOAT) runs along the length of the site's eastern boundary.** Beyond this is the A33. I visited the site in late Autumn, when deciduous trees were not in leaf, and there was intervisibility between the site and the SANG and BOAT areas, although views were limited to glimpses. In both cases there were areas with no or very limited intervisibility due to vegetation, which would be exacerbated in the months when deciduous trees are in leaf. More distant views are gained beyond the A33 to the west, in which the uppermost part of the site is visible.

25. Of relevance to the consideration of landscape character are Core Strategy policies CP1, CP3 and CP11, which together seek sustainable development that maintains or enhances the high quality of the environment, has no detrimental impact on landscape features, and seeks to maintain development limits, amongst other considerations. MDD policies CC01, CC02, CC03 and TB21 are also relevant. These add the requirement to respect adopted development limits, green infrastructure and landscape character, amongst other considerations, with Neighbourhood Plan Policies 1 and 2 reflecting the boroughwide policies.
26. The Council has also referred to its *Wokingham Borough Landscape Character Assessment*<sup>12</sup> (2019) (the LCA), which characterises the borough into landscape zones sharing particular characteristics. **The 'J3' categorisation into** which the site falls identifies its undulating landscape of large fields, with changes to its character through settlement and urbanising influence of its proximity to Reading. Other relevant characteristics include remnant parkland and an intact hedgerow network. Issues for the area include pressure to develop the ridgelines and the encroachment of residential development changing the landscape character and increasing demand for associated infrastructure.
27. **Although outside of the Council's defined development limit, the** development would adjoin existing residential development within the limit. The proposed 49 homes would be concentrated in a group form running roughly parallel with the BOAT, with the remainder of the site as managed grassland to be used as open space.
28. The topography of the site as well as its surrounding vegetation limits unhindered views into the site. The site itself is in private ownership with restricted public access, and public views are therefore limited to the BOAT and the area around the Kingfisher Grove access, together with the SANG and areas beyond the A33 in which distant views are possible. Private views are possible from within the site itself and other surrounding land, such as the dwellings on Kingfisher Grove. New development would be visible to varying degrees in most of these views, but although direct views would be largely filtered by vegetation, viewers would be in no doubt that there were buildings on the site. This would be particularly noticeable in dynamic views in the context of a journey along the BOAT, in which (despite the existing heavy understorey of vegetation) they would appear closer and more distinct than existing development, and would periodically appear through vegetation gaps. **I also that the verified views in the appellant's *Landscape and Visual Impact Assessment***<sup>13</sup> (LIVIA) demonstrate that visibility of the proposal would be reduced over time as screening vegetation matures.

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<sup>12</sup> CD 12.1A/B.

<sup>13</sup> CD 1.6.



29. Viewers on MereOak Lane would notice buildings on the lower portion of the existing visible green swath of the site. This viewpoint is identified within the LIVIA as a low-value receptor and views from here are generally experienced in the context of a journey. Although building heights would be limited by the parameter plan and the line of the ridge would not be broken, there would still be visible signs of development. This is a form of urbanising development discouraged by the LCA.
30. Overall, despite the largely screened nature of the site, there would be a shift in some views from a rural to a partly suburban character. This would result in minor harm the landscape character of the area.
31. However, there are measures within the proposal that seek to mitigate this harm. The area to be developed immediately adjoins existing development and enables retention of the green space in more than half of the site, allowing for open zones around its other edges in which structural planting would filter outside views. The development would also enable the green space around the proposed built-up zone to be maintained as a recreational parkland and biodiverse resource, together with the formal management of three identified veteran trees, of which at least one is at risk of failure without intervention.
32. Concern was expressed from various parties that the development would close the existing strategic gap between Three Mile Cross and Spencers Wood. I do not consider that this would be the case. The development would enable the retention of a substantial amount of green space between the settlements, including land both on the appeal site and the existing land outside. I saw that there was a significantly narrower gap between the settlements on Basingstoke Road where the provision of a relatively narrow strip of green space between built-up areas **was sufficient separation to ensure retention of both settlements'** identities. The lack of direct access between the site and Spencers Wood, together with there being no intervisibility of the proposed buildings to or from Spencers Wood, as well as the existing topography and the existing and proposed vegetation, would not exacerbate any physical or perceived coalescence of the settlements.
33. Despite the minor level of harm, there would nonetheless be harm to the landscape character of the area. This would conflict Core Strategy policies CP1, CP3 and CP11, MDD policies CC01, CC02, CC03 and TB21 and Neighbourhood Plan Policies 1 and 2, for the reasons set out above.

#### *Accessibility*

34. **The Council's putative reason for refusal on this issue** expresses a concern that as a development outside settlement limits, with perceived poor accessibility to local facilities and services, a lack of good public transport links and poor quality of the walking and cycling environment, it would not encourage a shift towards sustainable modes of transport. These themes are reflected in Core Strategy Policies CP1, CP2, CP3, CP6 and CP11, MDD Policies CC01 and CC02 and Policy 4 of the Shinfield Neighbourhood Plan.
35. **Both the Council's and appellant's evidence referred** to an 800-metre distance being an indicator of **whether a neighbourhood is 'walkable'**, this being a comfortable ten-minute walking time for most people to be able to access a

range of services<sup>14</sup>. This is not an upper limit and I heard that there may be factors that influence people to consider a longer walking distance to be acceptable, such as the physical quality of the walking route. The supporting text to Core Strategy Policy CP6 states that the borough has one of the highest car ownership rates of any English local authority, and thus, in accordance with this policy, local conditions should offer choices through the provision of sustainable forms of transport.

36. The closest facilities and services to the site are concentrated on Basingstoke Road in Three Mile Cross. These include convenience stores, leisure facilities, schools and a post office counter within a range of 800m to two kilometres (a 25-minute walk)<sup>15</sup>. Other facilities including a wider range of employment are further afield. The *Manual for Streets* (MfS) recognises that walking trips under 2km offer the greatest potential to replace short car trips and whilst the walking time to all these facilities would be longer than the comfortable 10-minute walking time, I acknowledge the possibility that people could be encouraged to walk greater distances if the range of services was appropriately enticing, as set out in a previous appeal decision<sup>16</sup>.
37. The main walking route between the site and the concentration of facilities and services on Basingstoke Road is along Grazeley Road. I saw that although the route is legible along its full length, in many places the footpath is narrower than the MfS suggested accessible width of two metres and also is not overlooked for a short length close to Kingfisher Grove. As indicators of route quality, the absence of an appropriate width and passive surveillance from dwellings along sections of the route result in a substandard walking experience. The alternative available walking route using Tabby Drive is longer and as such, Grazeley Road is more likely to be used. Additionally, the Tabby Drive route uses part of Grazeley Road and does not wholly avoid substandard sections. Although improvements to junctions along Grazeley Road are planned, these would not alleviate the substandard sections.
38. Beyond the aforementioned closest services, walking routes to other destinations such as local schools are variable, including areas with no passive surveillance or lighting. Such conditions would discourage users from walking longer distances.
39. Cycling options would be improved with the proposed paving of the section of BOAT north of Grazeley Road. This would offer a route to the employment centres beyond Three Mile Cross. Although there is a good range of facilities and services within a 20-minute cycling distance from the site, there are other few dedicated cycling facilities or lanes within the vicinity of Three Mile Cross, thereby affecting the attractiveness of cycling as a realistic travel mode choice.
40. A bus service operates to Reading along Basingstoke Road on a good frequency, with services into the evening. However, the absence of a Sunday service would reduce the attractiveness of the proposed housing for those who would rely on public transport, as would the absence of convenient links to alternative destinations, such as the borough centre at Wokingham. Access to the bus stops would be along the Grazeley Road route which, given my

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<sup>14</sup> As set out in *Manual for Streets* section 4.4 (CD 12.3) and the *National Design Guide* (CD 12.21).

<sup>15</sup> Distances are calculated from the approximate centre of the proposed residential component of the appeal site and are **as set out in the parties' proofs of evidence**.

<sup>16</sup> CD 6.15.

considerations set out above, would affect the attractiveness of public transport as a transport mode choice.

41. In conclusion on this main issue, despite some positive components, accessibility to and from the site when considered as a whole, would be poor. As such, future occupiers of the proposed development would not benefit from appropriate accessibility and there would be conflict with Core Strategy Policies CP1, CP2, CP3, CP6 and CP11, MDD Policies CC01 and CC02 and Policy 4 of the Shinfield Neighbourhood Plan, for the reasons set out above.

## Other Matters

### *Housing supply*

42. It is agreed between the appellant and the Council that the latter is not able to demonstrate that it has a deliverable five-year housing land supply. There is disagreement on the scale of the shortfall, with the appellant and Council claiming a supply of 4.66 and 4.83 years, respectively. I heard evidence at the Inquiry as to the varying methods resulting in the different outcomes but consider the difference to be so small as to be of minimal relevance. In any case, the housing land supply shortfall is minor. Although other factors raised in the evidence include local affordability and the previous supply/delivery of homes against the housing need, I have no need to refer to these in detail.
43. The calculation variances result in annual housing need figures, with a 5% buffer applied, of about 806 (Council's figure) or 835 (appellant's figure) dwellings. The development would provide approximately **6% of the Council's** annual supply of homes, which I consider to be a sizeable proportion. Although the Housing Delivery Test indicates that the Council has delivered more homes than its targets in recent years, there is nonetheless a shortfall in the future five-year supply.

### *Affordable housing*

44. The development would wholly comprise affordable dwellings, with the tenure split agreed by the Council. The relevant Strategic Housing Market Assessment<sup>17</sup> (SHMA) **estimates the borough's per annum** affordable housing need as 441 dwellings with **the Council's** more recent Local Housing Needs Assessment<sup>18</sup> (LHNA) stating a requirement for 407 affordable dwellings per annum.
45. The recent delivery of affordable housing, of around 1,700 homes over the past five years, has been stronger in some years but delivery in most has fallen short of the per annum requirement. The Council considers that the likely delivery of dwellings over the next five years (estimated to be at least 1,249 homes) would meet the housing requirement for those on the local Housing Needs Register with the most acute need and that this would include meeting around 87% of the local need within Shinfield. The fact that the **site's proximity** to employment sources could result in a high local need but this is tempered by **the Council's assertion that the** types of jobs to be created would not be those that would appeal to those residing in affordable housing. Nonetheless there are links between the site and the wider employment catchment area incorporating Reading.

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<sup>17</sup> CD 10.2.

<sup>18</sup> CD 10.3.

46. No targeted local affordable housing needs surveys have been undertaken in Shinfield, although local housing register demand is strong. I am reticent to rely on this source as an indication of local affordable housing need, given the **potential for 'double counting'** in demand for Shinfield and neighbouring borough areas. Nonetheless the SHMA and LHNA indicate strong demand for affordable housing within the borough, and despite the expected forthcoming local delivery of dwellings, unmet demand will remain in Shinfield and the wider borough area.

#### *Rural exception site*

47. Core Strategy Policy CP9 refers to the provision of affordable housing on rural exception sites. These are sites outside development limits, and the policy enables the provision of affordable housing adjoining the limits in specific instances, where a need is demonstrated for residents, workers or other people **with family connections within the Parish Council's area**. A rural exception site is defined in the Framework as a small site used for affordable housing in a site that would not normally be used for housing, which seeks to address the needs of the local community.

48. The Framework does not define what constitutes a small site. At 5.82 hectares with a development area of 1.63ha providing 49 dwellings, there is disagreement between the appellant and the Council that this is a small site. Without a definition, this becomes a matter of planning judgement. In **comparison with the Council's Local Housing need for 2020/21 of 789 homes**, 49 homes represents about **6% of the Council's** annual need, which as I noted above would represent sizeable proportion **to the borough's housing supply and** therefore not small in this sense. Elsewhere in the Core Strategy (at appendix 3) small sites are defined as those less than 1ha with up to 9 dwellings. Although this is not a direct comparison to the absence of a definition with regard to rural exception sites, **the Council's intention in describing small sites** in regard to housing delivery is clear. Taking all these matters into consideration, I do not consider the appeal site to be a rural exception site.

#### *Biodiversity*

49. Core Strategy Policy CP8 requires development which alone or in combination is likely to have a significant effect on the Thames Basin Heaths Special Protection Area (the SPA) to demonstrate that adequate measures to avoid and mitigate any potential impacts are delivered. Thresholds for mitigation requirements are set out in the accompanying text. As a development of fewer than 50 dwellings and one between five and seven kilometres of the SPA, mitigation is not required.

50. Implementation of the appeal scheme would result in biodiversity net gain of 114% for habitats, 11% for hedgerows and 35% for ditches. Further benefits would be gained from additional planting and habitat management over the longer term. Phase 1 and Phase 2 surveys have been undertaken to protected species, with evidence of dormice in the hedgerow boundaries. The site was also found to be of value to foraging and commuting bats, with trees on the site of potential value to roosting. Paragraph 180 of the Framework encourages avoidance of significant harm to biodiversity. Together with the implementation of the features that would result in biodiversity net gain and the creation of new invertebrate habitats, as well as the suitable management of the site, I am satisfied that the development would avoid significant harm.

### *Highways*

51. Whilst the Council initially presented a putative reason for refusal relating to access to the site and its potential effects on highway safety, discussions between the appellant and Council prior to the Inquiry resolved matters of difference. A theme within the objections from interested parties was the potential effects of traffic congestion on the local road network resulting from the additional vehicle trips generated by the development. The junction of Grazeley Road and Basingstoke Road was identified as a particularly congested spot. Forthcoming improvements to the junction have already been resourced and from the evidence provided it appears that this junction will provide for increased traffic levels resulting from the various developments in and around Three Mile Cross.

### *S106 Agreement*

52. The heads of terms of the s106 Agreement were agreed between the main parties prior to the Inquiry. Given that an obligation may constitute a reason for granting planning permission only if it meets the tests set out in Regulation 122 of the *Community Infrastructure Regulations 2010* and paragraph 57 of the Framework, it falls to me to reach a finding on its acceptability.

53. Provision for affordable housing comprising 70% social rented and 30% shared ownership tenures is incorporated, with a nomination agreement for prospective residents. This is an appropriate method for ensuring fair placement according to local need. The proposal complies with Core Strategy Policy CP5 in that it contributes to mixed and balanced developments within the borough, and I am satisfied that it would meet a need for such accommodation.

54. The development/employment skills contribution would take the form of either a plan or a monetary contribution. I recognise that the **Council's preference is** for a plan but acknowledge that the agreement offers suitable choice in the event of a housing provider managing the scheme in the future. Based on benchmarked values, the contribution or plan would target **the Council's** identified shortfall of skills training in the area local to the application site and is therefore necessary.

55. The proposed transport-related contributions of a **'My Journey' travel plan** payment and a contribution for upgrading the surface of Woodcock Lane would promote sustainable travel choices and improve local access. I am satisfied that these are required to make the development acceptable.

56. Open space on the site would be made available for use by residents, and although the agreement contains various closure clauses I am content that these would only be used as necessary and for reasonable purposes. Management of the space is necessary, particularly in relation to the veteran trees and to comply with Core Strategy Policy CP2 and MDD Policy TB08 with regard to meeting the needs of residents and providing appropriate spaces for recreation.

57. Monitoring fees are specified within the agreement and I am satisfied that due to the nature of the development, particularly with regard to the level of affordable housing and open space proposed, their inclusion makes the development acceptable in planning terms.

58. The various sums within the obligation are necessary and justified and I am satisfied that the Council could rely on the document to secure the contributions. Moreover, I am content that the obligations meet the requirements of the statutory and acceptability tests.

#### Planning balance

##### *Policy and Framework considerations*

59. Framework paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11d suggests that where the policies which are the most important for determining an application are out-of-date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. There is no five-year housing land supply in Wokingham and therefore paragraph 11d is applicable to this appeal, and the policies that are the most important for determining this appeal are deemed to be out of date. I have no discretion within this purpose to consider whether specific policies are out of date. However, I must consider the weight to be given to policies including whether they are out of date in the context of the issues in this appeal.
60. Previous appeal decisions that have been brought to my attention<sup>19</sup> have noted **that in specific cases, although some of the Council's policies were considered to be out of date, the overall 'basket' of policies considered most important for determining the appeal was not out of date.** In these cases, the Council was able to demonstrate that it had a suitable housing land supply at that time. This is not the case in this instance, where both the Council and the appellant **agree that the 'tilted balance' is engaged.** A further example<sup>20</sup> found the basket to be out of date in that specific instance, when the Council could not demonstrate a five-year housing land supply.
61. Core Strategy Policies CP1, CP2 and CP3 set the overall approach to sustainable and inclusive development in the borough and are broadly consistent with the Framework. Similarly, Policy CP6 which promotes sustainable travel choices and does not conflict with the Framework, These policies do conflict with the appeal proposal in terms of landscape and accessibility. My weighting on these issues is set out in the next section.
62. Policy CP5 sets the requirements for affordable housing provision by development scale and location but is not consistent with the Framework in that it seeks affordable housing on developments from five or more dwellings in urban areas, whereas paragraph 64 of the Framework states that provision should be sought only on such development of ten or more dwellings. However, there is no conflict with the appeal proposal and I have afforded only minimal weight to this consideration.
63. Core Strategy Policy CP7 requires conservation of biodiversity, veteran trees or features of the landscape that are important for flora and fauna, and MDD Policy **TB21 requires proposals to address the requirements of the Council's Landscape Character Assessment,** amongst other considerations. There are no conflicts with the Framework or the appeal scheme and thus no weight is allocated.

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<sup>19</sup> Including CDs 6.7 and 6.15.

<sup>20</sup> CD 6.1.

64. Core Strategy Policy CP17 provides housing figures based on the South East Plan which is no longer in force. Accordingly, Core Strategy policies CP9 and CP11, MDD Policy CC02, and Neighbourhood Plan Policy 1, which apply development limits throughout the borough, are out of date because these are based on out-of-date housing numbers, to which I give significant weight. A further out-of-date policy is MDD Policy TB04 which deals with development around the AWE Burghfield Site, due to the use of superseded measurements for the DEPZ radius, but as the general principles still apply only minimal weight is apportioned to this conflict.
65. MDD Policy CC01 which sets a presumption in favour of sustainable development is broadly comparable with the similar Framework presumption and does not conflict. Likewise, MDD Policies CC03 **sets the Council's approach** to developing and managing green areas and assets and does not conflict with the Framework, and MDD Policy TB08 which **sets out the Council's approach to** recreational facility provision is also generally in line with the Framework, despite the superseded reference to a previous version. The former policies conflict with the appeal scheme in the areas of landscape and accessibility, with weighting set out below.
66. **Summarising the above, the Framework's tilted balance is applied as the** Council cannot demonstrate a five-year housing land supply. The issues in which there are conflicts between out of date policies are AWE Burghfield, with the conflict attracting minimal weight, affordable housing provision in which the conflict attracts minimal weight, and conflict with the policies for the supply of housing more generally attracting significant weight.

*Applying the balance*

67. With regard to the main issues, the proposal demonstrates poor accessibility and this weighs heavily against the proposal, attracting significant weight. Landscape harm would be minor, but still conflicts with policy, and therefore this attracts moderate weight. I have found that there would be no harm with regard to the proximity of the AWE Burghfield site, which is a neutral factor in the balance.
68. Housing and affordable housing provision aside, other benefits of the scheme would include provision of new open space, net biodiversity gain, ongoing management of at-risk veteran trees, and local transport improvements. These would benefit those outside the site, and I give these considerations moderate weight. Other section 106 provisions are needed to make the development acceptable only and attract minimal weight, although there would be a wider benefit in regard to the improvement of Woodcock Lane and employment skills provisions, which attracts moderate weight.
69. The provision of new homes **comprising 6% of the borough's annual supply** attracts moderate weight. The provision of affordable housing that would assist the Council in meeting its shortfall in provision is significant, as is the presumption in favour of sustainable development triggered by the application of Framework paragraph 11.
70. The development plan policies that are the most important for the supply of housing are out of date, but those with which I have found conflict in this decision are not out of date and are generally consistent with the Framework.

The development would result in landscape harm and have poor accessibility. I find that the proposal conflicts with the development plan as a whole.

71. However, the weighting of the above factors is in favour of the scheme proceeding. I find that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The development proposal **benefits from the Framework's presumption in favour of sustainable development**.
72. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding the conflict with the development plan, I have found that the development would deliver significant and demonstrative benefits. These are material considerations that lead me to the decision that planning permission should be granted, and the appeal should succeed.

### Conditions

73. I have assessed the list of conditions proposed by the parties against the tests set out in the Planning Practice Guidance (PPG)<sup>21</sup>. These were discussed at the Inquiry and subsequently refined, and are included at Annex A. I have made minor changes for clarity. In accordance with section 100ZA(5) of the Act, the Appellant has agreed to those conditions which would be pre-commencement conditions.
74. Conditions 1 through 5 are applied for the absence of doubt, with conditions 3 and 5 also applied to ensure that the development proceeds in accordance with the outline plans. Conditions 6, 7, 8 and 18 are applied in the interests of satisfactory access and highway safety. Conditions 9, 10 and 17 are to preserve the living conditions of surrounding occupiers and minimise the effects of construction. Condition 11 is to ensure sustainable drainage is incorporated within the development, and 12 is applied to investigate and if necessary preserve the archaeological heritage of the appeal site. Conditions 13 and 14 are included to ensure the protection, conservation and management of landscape features. Conditions 15 and 16 are to preserve and improve the biodiversity of the appeal site, and conditions 19 and 20 are included to ensure the landscape character and appearance of the site is preserved.

### Conclusion

75. For the reasons given above I conclude that the appeal should be allowed.

*G Rollings*

INSPECTOR

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<sup>21</sup> PPG reference ID: 21a-003-20190723; revision date: 23 07 2019.



## ANNEX A: SCHEDULE OF CONDITIONS

- 1) Approval of the details of the siting, design and external appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The number of dwellings hereby permitted shall not exceed 49.
- 4) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan in A2 (D2871\_430 Rev A); Parameter Plan (D2871\_423\_Rev B); Site Access Arrangement (ITB15490-GA-002 Rev E).
- 6) No building shall be occupied until the accesses (pedestrian and vehicle) have been constructed in accordance with details to plan no. ITB15490-GA-002 Rev E.
- 7) Prior to the commencement of development, full details of the construction of the access, including levels, widths, construction materials, depths of construction, surface water drainage, boundary treatment, landscaping and lighting shall be submitted to and approved in writing by the local planning authority. Each dwelling shall not be occupied until the vehicle access to serve that dwelling has been constructed in accordance with the approved details to road base level and the final wearing course will be provided within 3 months of occupation, unless otherwise agreed in writing by the local planning authority.
- 8) No occupation of the development shall take place until:
  - (a) the approval by the local planning authority of a scheme that provides for the visibility splays shown on plan no. ITB15490-GA-002 Rev E (to include also the removal of any obstruction above a height of 0.6 metres) and the maintenance of the same over the lifetime of the development; and,
  - (b) the full implementation of the aforementioned approved scheme.
- 9) No development shall take place, until a Construction Method Statement, including a CEMP (Construction Ecological Management Plan), has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - (a) construction of suitable works access;
  - (b) the parking of vehicles of site operatives and visitors;
  - (c) loading and unloading of plant and materials;
  - (d) storage of plant and materials used in constructing the development;
  - (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (f) wheel washing facilities;
  - (g) measures to control the emission of dust and dirt during construction;

- (h) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - (i) hours of construction;
  - (j) hours of delivery; and
  - (k) mitigation and avoidance measures for ecology and biodiversity.
- 10) No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or National Holidays.
- 11) Prior to the commencement of development details for disposing of surface water by means of a sustainable drainage system (SuDS) shall be submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the aforementioned approved details (in so far as they apply to that dwelling) have been implemented.
- 12) No development shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the planning authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition.
- 13) No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority, this shall include details of existing trees and hedges to be retained in the submitted Arboricultural Impact Assessment, in line with BS5837:2012, and shall include details of:
- (a) any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the sub-phase;
  - (b) any proposed alterations to ground levels within the Root Protection Area or Crown Spread (whichever is the greater) of any retained tree, including trees on land adjacent to the site;
  - (c) the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.
  - (d) the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the local planning authority.
  - (e) Prior to occupation of the first dwelling, a Veteran Tree Management Plan shall be agreed in writing with the local planning authority. This Plan shall include:

- Specialist Survey Method assessment of the trees;
- Individual tree management programme geared towards maximising longevity;
- Provision and maintenance of knee-rail style fencing beyond crown driplines, enclosing access-deterrent planting; and
- **Regular review by a competent person of veteran trees' condition**, with follow-up management works being implemented as recommended.

The first three elements of the Plan shall be implemented also prior to first occupancy.

- 14) No trees, shrubs or hedges within the site which are shown as being retained on the plans approved under condition 13 shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the local planning authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives written consent to any variation.
- 15) Prior to the commencement of development, details of how the development will achieve a biodiversity net gain of 10 % for habitats shall be submitted to and approved in writing by the Local Planning Authority. The details thereby agreed shall be fully implemented in accordance with an agreed timetable.
- 16) Prior to the commencement of the development a Landscape Environmental Management Plan (LEMP), in accordance with the Update Biodiversity Report by Aspect Ecology dated October 2022, including long term design objectives, management responsibilities, timescales, and maintenance schedules for all landscape areas, other than privately owned domestic gardens, which delivers and demonstrates a habitat and hedgerow biodiversity net gain shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved LEMP.
- 17) The development hereby approved shall not be occupied until the noise mitigation measures as set out in the Noise assessment report, project number 13390 dated 08/04/2020 submitted with the application, are implemented. The noise mitigation measures shall be retained and maintained thereafter.
- 18) The development hereby approved shall not be occupied until the pedestrian crossing improvements shown in principle on Drawing ITB15490-GA-017 have been completed to the written satisfaction of the Local Planning Authority.
- 19) No dwelling shall be more than 2 storeys in height, and no dwelling shall be higher than 61.5mAOD.
- 20) Prior to first occupation of the development hereby approved, details of any gate, fence or other means of enclosure within or around the public open space as shown on the Parameter Plan (D2871\_423\_Rev B), shall be submitted to and approved in writing by the Local Planning Authority.

*End of schedule.*

## ANNEX 2: CORE DOCUMENTS REFERENCED IN THIS DECISION

CD 1.6	<b>Appellant's</b> <i>Landscape and Visual Impact Assessment</i> , April 2020.
CD 5.1	<i>Adopted Core Strategy Development Plan Document</i> (2010).
CD 5.3	<i>Adopted Managing Development Delivery Local Plan</i> (2014).
CD 5.5	Made <i>Shinfield Parish Neighbourhood Plan</i> (2017).
CD 6.1	Appeal decision, ref: APP/X0360/W/19/3275086, 18 February 2022.
CD 6.7	Appeal decision, ref: APP/X0360/W/19/3240232, 1 February 2021.
CD 6.8	SoS decision, ref: APP/H1705/V/10/2124548, 16 June 2011.
CD 6.15	Appeal decision, ref: APP/X0360/W/19/3235572, 25 August 2020.
CD 6.20	Appeal decision, ref: APP/X0360/W/21/3271917, 3 September 2021.
CD 6.21	Appeal decision, ref: APP/X0360/W/21/3269974, 31 August 2021.
CD 7.4	High Court judgment, <i>Crest Nicholson v West Berkshire Council</i> [2021] EWHC 289 (Admin).
CD 10.2	<i>Berkshire (including South Bucks) Strategic Housing Market Assessment</i> (February 2016).
CD 10.3	<i>Wokingham Borough Local Housing Needs Assessment 2019</i> (January 2020).
CD 11.5	<i>AWE Off-site Emergency Plan</i> , Joint Emergency Planning Unit, August 2022.
CD 11.12	<i>The Radiation (Emergency Preparedness and Public Information) Regulations 2019</i> , HSE/ONR.
CD 11.20	<i>The Radiation (Emergency Preparedness and Public Information) Regulations 2019</i> , SI 2019 No. 703.
CD 11.21	<i>REPPiR – What you should do if there is a radiation emergency at the AWE Aldermaston or Burghfield sites</i> , West Berkshire Council, 2020.
CD 12.1A/B	<i>Wokingham Borough Landscape Character Assessment</i> , LUC 2019.
CD 12.3	<i>Manual for Streets</i> , DoT/DCLG, 2007.
CD 12.21	<i>National Design Guide</i> , MHCLG, 2021.

## ANNEX 3: DOCUMENTS SUBMITTED AT THE INQUIRY

ID 01	<b>Appellant's opening</b> submissions.
ID 02	<b>Council's opening</b> submissions.
ID 03	Shinfield Parish Council written statement.
ID 04	Site visit route map.
ID 05	Wokingham Draft Local Plan.
ID 06	Wokingham Employment Skills Plan Guidance for Developers.
ID 07	Section 106 Agreement Certified Copy.
ID 08	Agreed (final) schedule of conditions.
ID 09	<i>Hopkins Homes Ltd, Richborough Estates Partnership LLP v Cheshire East BC</i> , SSCLG [2017] UKSC 37.
ID 10	<i>Hallam Land Management Ltd c v Eastleigh BC</i> , SSCLG [2017] EWHC 2865 (Admin).
ID 11	<i>Old Hunstanton Parish Council v Hastoe Housing Association Ltd, Kings Lynn &amp; West Norfolk BC</i> , SSCLG [2015] EWHC 1958 (Admin).
ID 12	<b>Council's closing</b> submissions.
ID 13	<b>Appellant's closing</b> submissions.

## ANNEX 4: APPEARANCES

### FOR THE APPELLANT

Andrew Tabachnik  
**of King's Counsel**  
and Katherine Barnes  
of Counsel

Instructed by the appellant

*They called*

Michael C Thorne  
*BSc PhD FInstP FSRP CRadP*  
Tim Wall *BA MSc MCIHT CMILT*  
Andrew Smith  
*BSc(Hons) MSc CMLI*  
Julian Forbes-Laird  
*BA(Hons) Dip.GR.Stud MICFor*  
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### INTERESTED PERSONS

Darrell Lias

Vice Chair (operations),  
Shinfield Parish Council


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

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

This form has two parts:

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

**PART A: Your Details**

*Please note the following:*

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

	Your details	Agent's details (if applicable)
Title:		Mrs
First Name:*		Katherine
Last Name:*		Miles
Job title (where relevant):		Director
Organisation (where relevant):	T A Fisher & Sons Ltd	Pro Vision
Address* <i>Please include postcode:</i>		The Lodge, Highcroft Road, Winchester, SO22 5GU.
Email address:*		████████████████████
Telephone number:		01962 677044

\*Mandatory field

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

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

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

Your name or organisation (and client if you are an agent):	Katherine Miles, Pro Vision (Agent) on behalf of T A Fisher & Sons Ltd
---	--

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

Section/paragraph:	Please refer to the separate Representations.
Policy:	Please refer to the separate Representations.
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

N

*Please give reasons for your answer:*

Please refer to the separate Representations.

## 2. Soundness

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

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

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

Please tick all that apply:

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

Please give reasons for your answer:

Please refer to the separate Representations.

## 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

N

Please give reasons for your answer:



Please refer to the separate Representations.

#### 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.*

Please refer to the separate Representations.

#### 5. Independent Examination

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

Yes

Y

No

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

*To ensure that the views of our client in respect of the spatial strategy, and particular the failure to recognise Mortimer as a Rural Service Village and fail to allocate sites to support the vitality of this village are heard*

*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.*

<b>Signature</b>	<b>Katherine Miles</b>	<b>Date</b>	<b>2 March 2023</b>
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**Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.**

**WEST BERKSHIRE COUNCIL LOCAL PLAN REVIEW  
2022-2039: PROPOSED SUBMISSION  
CONSULTATION**

LAND AT WEST END ROAD, MORTIMER – HELAA  
REF. SM2

Representations prepared by Pro Vision on behalf of T A Fisher & Sons Ltd

February 2023

LAND AT WEST END ROAD, MORTIMER – HELAA REF. SM2

WEST BERKSHIRE COUNCIL LOCAL PLAN REVIEW 2022-2039: PROPOSED SUBMISSION  
CONSULTATION

PROJECT NO. 2201

**PREPARED BY:**

KERRI CRUTCHFIELD MRTPI  
SENIOR PLANNER

**CHECKED BY:**

KATHERINE MILES MRTPI  
DIRECTOR

**DATE:**

FEBRUARY 2023

PRO VISION  
THE LODGE  
HIGHCROFT ROAD  
WINCHESTER  
SO22 5GU

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**APPENDICES**

Appendix A – Site Promotion Document

## 1.0 Introduction

- 1.1 These representations have been prepared by Pro Vision on behalf of our client T A Fisher & Sons Ltd in response to West Berkshire Council's consultation on its Local Plan Review 2022-2039: Proposed Submission.
- 1.2 Our client welcomes the opportunity to be involved in the preparation of the Local Plan Review and it is within this context that they wish to make representations to the draft Local Plan.
- 1.3 Our client has an option on Land at West End Road, Mortimer (HELAA ref. SM2; SHLAA ref. MOR005), that has been promoted for development. The landowner, Englefield Estate, has endorsed the submission of these representations.
- 1.4 Our client's land interest has not been allocated for development in the draft Local Plan. This is due to Policy SP14 of the draft Local Plan not allocating additional housing to the village beyond that already accommodated in the current Stratfield Mortimer Neighbourhood Development Plan (NDP) (June 2017), which extends until 2026.
- 1.5 These representations therefore respond to Policy SP14 regarding the absence of a housing allocation to Stratfield Mortimer beyond 2026. We consider that it is necessary for the Local Plan Review to allocate additional housing to the village, which can be accommodated through a NDP Review, up to the end of the Plan-period in 2037.
- 1.6 In this regard, the land at West End Road, Mortimer, is suitable, available and achievable for housing development, as well as being deliverable in full within the next five years (or later in the plan period to meet locals needs after 2026). The Site is well located close to existing facilities and housing.
- 1.7 The Site offers the potential for a sustainable and logical residential development of approximately 47 dwellings, alongside associated access and open space, in line with the Council's strategy for growth and settlement hierarchy. The Site Promotion Document provided in Appendix A of these representations is re-submitted in support of the development opportunity.
- 1.8 T A Fisher is a well-respected local house builder with a long association with Mortimer. The Council will be aware that T A Fisher is currently building out the 110 units on the MOR006 site (Tower Gardens). T A Fisher worked collaboratively with Stratfield Mortimer Parish

Council and the Neighbourhood Plan during the preparation of the Adopted Neighbourhood Plan and has maintained a positive working relationship with the Parish Council during the planning application and ongoing construction phases.

- 1.9 Our client wishes to work collaboratively with the District and Parish Council with the aim of securing the sustainable development of the site – through the NDP process – following an allocation of additional housing to the village within the Local Plan Review. These representations therefore respond to the draft Local Plan and its evidence base with reference to the need to allocate additional housing to Stratfield Mortimer, alongside the wider matters identified within the Document, building upon the information previously submitted.
- 1.10 These representations have been prepared in recognition of prevailing planning policy and guidance, particularly the National Planning Policy Framework (NPPF) (July 2021) and Planning Practice Guidance (PPG).
- 1.11 Whilst, at this stage, we consider that the Local Plan Review is unsound, we have provided some recommendations to ensure that the Plan is made more robust.

## 2.0 Representations

### Overview

- 2.1 Policy SP14 of the draft Local Plan details the sites that are allocated for residential development in the Eastern Spatial Area.
- 2.2 This includes an allocation for 110 dwellings in the Stratfield Mortimer Designated Neighbourhood Area up to 2026.
- 2.3 This is accommodated in Policy RS5 of the Stratfield Mortimer Neighbourhood Development Plan (NDP) (June 2017), which allocates the Land to the South of St John’s Church of England Infant School (SHLAA ref. MOR006) for 110 dwellings. This land is also owned by our client, and is currently being built out following the grant of planning permission.
- 2.4 At present, Policy SP14 fails to allocate additional housing to Stratfield Mortimer beyond that already accommodated in the current NDP (Policy RS5 for 110 dwellings) up to 2026.
- 2.5 Furthermore, Policy SP14 fails to recognise that as the draft Local Plan extends to 2039, additional housing should be allocated at Stratfield Mortimer beyond 2026, in line with the spatial strategy and settlement hierarchy and in accordance with the NPPF, within the remaining 13 years of the Plan-period.
- 2.6 These representations therefore respond to Policy SP14 regarding the absence of an allocation of new housing to Stratfield Mortimer beyond 2026. We consider that the Local Plan Review should allocate additional housing to the village, as it is a sustainable location suitable for growth, to be accommodated through a NDP Review.

### Neighbourhood Plan Review

- 2.7 The Stratfield Mortimer NDP was formally made in June 2017. It is already therefore over five years old.
- 2.8 Whilst the PPG<sup>1</sup> notes that *“There is no timeframe within which neighbourhood plans are required to be reviewed or updated.”* the PPG<sup>2</sup> also outlines the value of reviewing / updating a NDP alongside the review / update of strategic policies. It notes that:

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<sup>1</sup> Paragraph: 099 Reference ID: 41-099-20190509

<sup>2</sup> Paragraph: 103 Reference ID: 41-103-20190509



*“When strategic housing policies are being updated, neighbourhood planning bodies may wish to consider whether it is an appropriate time to review and update their neighbourhood plan as well. This should be in light of the local planning authority’s reasons for updating, and any up-to-date evidence that has become available which may affect the continuing relevance of the policies set out in the neighbourhood plan.”*

- 2.9 Page 17 of the NDP sets out that *“Any future policy development or significant development which affects the parish will be subject to an update of this NDP involving community consultation.”*
- 2.10 The Stratfield Mortimer Neighbourhood Plan steering group website sets out their intentions for *“a wider-reaching longer-term revision to the Plan, to reflect latest national policies and community priorities. This new Plan version is expected to be approved by Autumn 2024 and valid until 2039.”*
- 2.11 The NDP and Local Plan Review would therefore be aligned and based on the same Plan-period as the Local Plan Review i.e. end date of 2039.

#### **Future Growth in the Neighbourhood Area**

- 2.12 In light of the above, it is clear that Policy SP14 of the draft Local Plan should recognise the potential growth that can be accommodated in Stratfield Mortimer throughout the whole Plan-period i.e. beyond 2026, up to 2039. This can be achieved through a review of the Stratfield Mortimer NDP.
- 2.13 However, the draft Local Plan fails to make such provision. This fails to accord with paragraph 66 of the NPPF, which explains that:

*“Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. **Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations.** Once the strategic policies have been adopted, these figures should not need retesting at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement (our emphasis).”*

2.14 This requirement is underlined by the PPG<sup>3</sup>, which notes that:

*“Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing. However, **there is an expectation that housing requirement figures [for Designated Neighbourhood Areas] will be set in strategic policies, or an indicative figure provided on request (our emphasis).**”*

2.15 Policy SP15 of the draft Local Plan confirms that new housing has been allocated to other Designated Neighbourhood Areas. This is explained in paragraph 6.14 of the draft Local Plan, which notes that:

*“A number of Neighbourhood Plans are in preparation which will allocate further sites for housing development. It is proposed that a further 80 dwellings will be allocated by local communities through their NDPs. The figures for individual neighbourhood areas are set out in Policies SP13-15.”*

2.16 The Designated Neighbourhood Areas that have been allocated housing in policy SP15 are Hungerford (55 dwellings) and Lambourn (25 dwellings).

2.17 Paragraph 6.38 of the of the draft Local Plan sets out its reasons for not allocating additional housing to Mortimer. It sets out that:

*“110 dwellings are already allocated up to 2026 in the Stratfield Mortimer Neighbourhood Plan. The Parish of Stratfield Mortimer contains the village of Mortimer which is identified as a Service Village within the settlement hierarchy meaning that it has a limited range of services and has some limited development potential. **Given the outstanding dwellings still to deliver, no additional allocations in the plan period are proposed (our emphasis).**”*

2.18 This is incorrect. Mortimer is a Rural Service Centre – one tier above that of a Service Village. Indeed Policy SP3 identifies Mortimer as a Rural Service Village and states *“These larger rural settlements offer development potential appropriate to the character and function of the settlement through: ... Non-strategic sites allocated for housing and economic development through other policies in the LPR or neighbourhood plans;”*. Clearly therefore, as a Rural

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<sup>3</sup> Paragraph: 104 Reference ID: 41-104-20190509

Service village, it has the services and facilities to support additional development and indeed should be a focus for growth.

- 2.19 This Council’s approach to not allocate housing to Mortimer fails to recognise the growth that a sustainable village such as Mortimer could and should accommodate over the remainder of the Plan-period, in addition to that already planned for. This is a significant missed opportunity. Such an approach does not accord with the spatial strategy and settlement hierarchy set out in Policies SP1 and SP3 of the draft Local Plan respectively.
- 2.20 Regarding the other Designated Neighbourhood Areas that have been allocated additional housing over the Plan-period (Hungerford and Lambourn), the Site Selection Background Paper<sup>4</sup> and draft Local Plan simply explains that each area is in the process of preparing a NDP and will include residential allocation(s). There is no reference to the potential for / opportunities provided by allocating housing to areas with existing NDPs that could be reviewed and deliver further sustainable development within the Plan-period (up to 2039).
- 2.21 Given the sustainability of Stratfield Mortimer as a location for growth, it is inappropriate for the village not to receive an additional housing requirement simply because it has already allocated some land for housing. The Stratfield Mortimer NDP is clear that it covers the period up until 2026. It is therefore necessary to review the potential for the village to accommodate additional growth over the additional thirteen years provided by the Local Plan Review.
- 2.22 We recommend that discussions take place with the Parish Council regarding this matter to ensure that the Local Plan is capable of being found sound in line with paragraph 35 of the NPPF.

### **Relationship with the Settlement Hierarchy**

- 2.23 Policy SP1 of the draft Local Plan confirms that the focus of development in the District’s three spatial areas<sup>5</sup> “*will follow the District-wide settlement hierarchy set out in policy SP3 which takes account of the function and sustainability of settlements and promotes sustainable communities.*” This is an appropriate strategy, focusing new development in the most sustainable parts of the District, as confirmed by the policy’s supporting text (paragraph 4.21).

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<sup>4</sup> West Berkshire Council Local Plan Review 2022-2039 Site Selection Methodology January 2023

<sup>5</sup> Newbury and Thatcham, Eastern Area and North Wessex Downs AONB

- 2.24 In setting out the proposed settlement hierarchy for the District, Policy SP3 of the draft Local Plan builds upon the spatial strategy outlined in Policy SP1. Mortimer is identified as a Rural Service Centre, which is described as a larger rural settlement that offers “*development potential appropriate to the character and function of the settlement*”. This includes “*Non-strategic sites allocated for housing and economic development through other policies in the LPR or Neighbourhood Plans*”.
- 2.25 Table 1 of the draft Local Plan sets out the function of the Rural Service Centres. It explains that they comprise “*Settlements with a good range of key services and opportunities for employment, community and education. They serve a wide catchment area and contain reasonable accessibility and regular public transport provided to a number of destinations.*”
- 2.26 Paragraph 4.33 confirms that “*Development over the plan period will build upon the existing settlement pattern*”, while paragraph 4.34 explains that “***the six rural service centres across the District provide a focal point for the surrounding villages and rural areas in terms of the provision of services and facilities. Although they do not have as wide a range of services as the urban areas, they are still sustainable locations (our emphasis).***”
- 2.27 Furthermore, paragraph 4.33 notes the following:
- “The characteristics of the individual rural service centres and service villages vary, reflective of the diverse nature of West Berkshire. They are not intended to have the same amount of growth as each other; instead, the level of growth will depend on the role and function that they perform for the surrounding spatial area, and will be related to their location, size, range of facilities and services as well as the availability of suitable development opportunities. Their sustainability will be considered alongside other factors, particularly environmental constraints such as the AONB or the DEPZ around the AWE sites of Aldermaston and Burghfield.”***
- 2.28 At the time of preparing the adopted Development Plan, Mortimer was considered a sustainable location for growth, as demonstrated by the allocation of 110 dwellings to the village. Considering this, the case for focusing new development in this location is even stronger now, given the level and range of existing facilities, services and infrastructure in the area, as well as those currently coming forward.

- 2.29 Rural Service Centres that have been allocated housing in the draft Local Plan include Hungerford (55 dwellings) and Lambourn (25 dwellings), which are in the same tier of the settlement hierarchy as Mortimer.
- 2.30 Mortimer is not subject to the constraints mentioned in paragraph 4.16 and 4.33 of the draft Local Plan as it is not in the AONB or the DEPZ around the AWE sites of Aldermaston and Burghfield.
- 2.31 Paragraph 4.15 of the draft Local Plan states that there is significant employment in the Eastern Area which adds further weight to growth in Mortimer which is not subject to the environmental constraints that some of the other settlements in the Eastern area are.
- 2.32 At present, the draft Local Plan, particularly Policy SP14, fails to recognise Mortimer as a Rural Service Centre (a sustainable location for growth) through its proposed housing allocations over the Plan-period up to 2039. In line with the adopted Development Plan, as well as the approach taken at other Rural Service Centres and Service Villages, the village should be allocated its own growth beyond that currently planned up to 2026.
- 2.33 As referred to earlier, paragraph 66 of the NPPF confirms that *“strategic policies should...set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations (our emphasis).”*
- 2.34 For the reasons explained above, the Council has failed to allocate housing to Designated Neighbourhood Areas *“which reflects the overall strategy for the pattern and scale of development”*. In particular, the Council has overlooked the additional potential at Stratfield Mortimer, while allocating new housing to other Rural Service Centres, alongside Service Villages. The draft Local Plan and its evidence base clearly confirm that the latter are less sustainable locations than Stratfield Mortimer, notwithstanding the sustainability of Mortimer compared with the former.
- 2.35 This approach conflicts with Policy SP3 of the draft Local Plan, which explains that *“The focus of development will follow the District-wide settlement hierarchy which takes account of the function and sustainability of settlements across the District and promotes sustainable communities.”*

2.36 While not directly comparable, some insight into this issue can be taken from the recently adopted South Oxfordshire Local Plan 2011-2034.

2.37 Of particular relevance, in relation to Market Towns, paragraph 185 of the Inspector’s Report (27 November 2020) raised the following concerns regarding draft Policy H3:

*“...housing delivered or committed since the start of the plan period means that **at this stage, with almost 15 years still to go until the end of the plan period, most of the requirement for Thame and Henley, and all of the requirement for Wallingford, has been met. Policy H3 is written in such a way that neighbourhood plans only need to cater for the relatively small residual amounts: 156 in Henley, 363 in Thame, and none in Wallingford. In practice this would be likely to prevent sustainable development from taking place over a considerable number of years which would impair the ability to meet demonstrable local housing needs that could arise during that period (our emphasis).**”*

2.38 Further to this, paragraph 186 sets out the Inspector’s recommendations to enable Policy H3 to be found sound:

*“**The market towns are sustainable towns with a reasonable range of facilities and should be expected to play a proportionate role in meeting the District’s housing needs. MM25 therefore expresses as minima the Policy H3 housing requirements for the market towns, including Wallingford, and deletes the references to residual requirements. It also indicates that neighbourhood development plans for the market towns should seek to meet demonstrable local needs, for example for specialist or affordable housing, even where this would result in provision above the outstanding requirement. This additional flexibility would not result in excessive unplanned development** because Policy H1 exerts control over sites not allocated in the development plan; nor would it threaten either the character of the AONBs or the historic character of the market towns, because Policy ENV1 contains strong protection for the AONBs and Policies ENV6 to ENV9 equally protect heritage assets (our emphasis).”*

2.39 In relation to the Larger Villages, paragraph 4.17 of the adopted Local Plan notes that:

*“**The Local Plan proposes the provision of 15% growth in the larger villages. This level of growth has been calculated using the existing housing stock as it was at 2011 - the base date of the Local Plan and is on top of Core Strategy allocations where these exist.**”*

***The larger villages have already collectively delivered 14% growth in housing based on completed dwellings between 1 April 2011 and 31 March 2020. The Plan is therefore planning positively for further growth over the remainder of the plan period. This will ensure that these places continue to grow and support the services and facilities that sustain them (our emphasis)."***

2.40 Furthermore, paragraph 4.30 of the Local Plan explains that:

*"Table 5f differentiates between villages where this Local Plan proposes allocations to either meet the village's growth needs (due to them not preparing a Neighbourhood Development Plan) or where the Local Plan has proposed strategic allocations in Chapter 4. For villages where the Council is not making allocations in this Local Plan, the table identifies a housing requirement for them to be achieved either through Neighbourhood Development Plans or planning applications in accordance with Policy H4. **The Council will support larger villages to allocate further development sites should the NDP so wish, where this level of growth is sustainable for that village, and where this is in accordance with national policies and guidance.** These housing targets take into account the existing commitments and completions and identifies the following remaining levels of development to be delivered at each larger village (our emphasis)."*

2.41 In summary, the points outlined above demonstrate that simply because an area may have already achieved the level of housing originally planned – or has an existing allocation to deliver this quantum of housing – additional growth in sustainable locations should be supported throughout the whole Plan-period.

2.42 This underlines the importance of supporting the delivery of new housing in the most sustainable locations, acknowledging the social, economic and environmental benefits that it can provide, including the role that it can play in maintaining the vitality and viability of existing settlements.

2.43 Stratfield Mortimer is a sustainable location that is suitable for additional growth – as well as being capable of accommodating additional growth – which should be encouraged and reflected in an amendment to policy SP14.

## Housing Need in West Berkshire

- 2.44 Policy SP12 of the draft Local Plan makes provision for 8,721 to 9,146 net additional homes for the period 1 April 2022 to 31 March 2039. This equates to 513-538 dwellings per annum (dpa), although the policy confirms that *“The target figure of 538 dwellings per annum does not constitute a ceiling or cap to development.”*
- 2.45 The supporting text (paragraph 6.2) sets out that the Local Housing Need (LHN) for the District is 513 dwellings per annum (dpa). Supporting text (paragraph 6.10) sets out that in order to support the government’s objective of significantly boosting the supply of homes the upper end of the range (538) allows for approximately 5% buffer additional homes on top of the 2022 LHN. Supporting text (paragraph 6.23) sets out that the 5% buffer and the *“relatively modest windfall allowance”* add flexibility to ensure housing targets can be met.
- 2.46 The aim to boost supply complies with paragraph 59 of the NPPF. Furthermore, built-in flexibility ensures that the Local Plan is sufficiently flexible to adapt to rapid change (paragraph 11(a) of the NPPF). However, to ensure that decisions regarding new development can remain Plan-led (paragraph 15) and land is brought forward at a sufficient rate (paragraph 23), it is necessary to ensure that there is enough flexibility in the Plan.
- 2.47 We note that there is already a shortfall of 310 dwellings against the Core Strategy requirement, and delivery has fallen below the Core Strategy housing requirement in over half of the years during the Plan period to date (AMR, Table 3.4). Clearly this is significant, and should be factored in in establishing the housing requirement.
- 2.48 The Regulation 18 version of the draft Local Plan included a 10% buffer. The Housing background paper<sup>6</sup> paragraph 2.33 states that *“ The decision to reduce the buffer from 10% to 5% is considered to provide a balance between boosting housing supply in the district while considering the limitations and constraints of a largely rural district”*. The HELAA demonstrates that there are plenty of available sites that respect the limitations and constraints of a *“largely rural district”* for example our clients land at West End Road, Mortimer HELAA Ref: SM2 and therefore a 5% buffer is not necessary and there should be a higher buffer of at least 10% as set out in the Regulation 18 version of the draft Local Plan to add sufficient flexibility to ensure housing targets can be met and to boost supply to comply

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<sup>6</sup> West Berkshire Council Local Plan Review 2022-2039 Proposed Submission (Regulation 19) Housing Background Paper January 2023



with paragraph 60 of the NPPF. Such a contingency is particularly important as the Council is relying upon two complex, large sites (Sandleford Park and North East Thatcham) to deliver a large proportion of the District's housing need.

2.49 A 10% buffer would result in an upper range of 564 dpa which would result in the need for another 442 dwellings across the Plan period.

2.50 Appendix 4 of the Council's Sustainability Appraisal (SA) Report (November 2022) provides a SA of each of the policy options considered in the draft Local Plan. In relation to the approach to housing delivery, the following options were assessed:

- Option 1: Baseline LHN.
- Option 2a: Boosting supply option a (LHN + 10%).
- Option 2b: Boosting supply option b (LHN + 5%)

2.51 The SA assesses each option against the same ten sustainability objectives. It is concluded that Options 1 and 2b would result in overall positive effects, while Option 2a would result in overall positive effects, with some significantly positive effects. This provides further support for a higher buffer.

2.52 The PPG<sup>7</sup> sets out that *"the standard method for assessing local housing need provides a **minimum starting point** in determining the number of homes needed in an area"* and that *"there will be circumstances where it is appropriate to consider whether **actual housing need is higher than the standard method indicates** (our emphasis)."*

2.53 The Council's Updated Housing Needs Assessment<sup>8</sup> confirms that there is a pressing need for affordable housing in the District. It sets out a requirement of 330 dpa rented affordable homes and 367 dpa affordable home ownership homes. This equates to 136% of the standard method local housing need figure. The Housing Needs Assessment sets out that *"it is inappropriate to use a mechanical relationship to consider how affordable housing provision and overall housing need relate to one another. The affordable housing need is a point-in-time assessment based on current housing costs relative to earnings and takes account of current supply. The reality is that many households with an affordable housing need, including those*

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<sup>7</sup> Paragraph: 010 Reference ID: 2a-010-20201216

<sup>8</sup> West Berkshire Housing Needs Assessment Update July 2022

*who aspire to own a home, are existing households living in the private rented sector.”* This in part is agreed, however there should be more flexibility built into the LHN to ensure that affordable housing need is met, especially given the high reliance on small windfall sites (10 or less dwellings) to deliver a large proportion of the District’s housing need (small sites do not bring forward as much affordable housing).

- 2.54 In line with paragraphs 24-27 of the NPPF, the Council has a duty to co-operate with other Local Planning Authorities (along with other prescribed bodies), on strategic matters that cross administrative boundaries.
- 2.55 The duty to co-operate has the potential to significantly influence the Local Plan Review, particularly the number of homes that the Council is required to accommodate. If neighbouring authorities are unable to meet their needs in full, they should ask West Berkshire to assist them, which could increase the District’s housing requirement.
- 2.56 Paragraph 6.5 of the draft Local Plan states that *“Reading Borough Council has identified a shortfall of 230 dwellings that is anticipated to arise in the latter part of their current Local Plan period. The Reading Local Plan considers the period through to 2036.”* Paragraph 6.8 sets out that *“ Reading has identified that a five yearly review is required by 2024 and that will need to consider how to deal with the housing needs generated by the standard methodology. Though the principle of meeting any unmet need within the Western Berkshire HMA is accepted, the distribution of that unmet need within the HMA has not been agreed and will be subject to further review, through the plan-making process, before the need arises.”*
- 2.57 The standard methods applies a 35% uplift to the 20 largest cities and urban centres in England, which includes Reading and therefore their five yearly review required by 2024 that will need to consider how to deal with the housing needs generated by the standard methodology is likely to result in a significant increase in their housing requirement.
- 2.58 It is likely that the evidence of the unmet need will emerge before/at a similar time that the LPR is adopted. If this evidence is not forthcoming then more flexibility is required in the Plan (i.e more housing site allocations).
- 2.59 Accordingly, the Council’s housing target fails to meet the test for soundness in the NPPF (2021) as the LPR is not positively prepared, justified, effective or consistent with national policy.

## **Housing Delivery**

### *Windfall allowance*

- 2.60 There is a high reliance on small windfall sites (10 or less dwellings) to deliver a large proportion of the District's housing need. Table 2 in the draft Local Plan shows a windfall allowance of 1,949 with a total supply requirement of 9,146; the windfall allowance therefore represents 21% of the total supply. There should not be such a high reliance on small windfall allowance as it is not proactive planning, and will deliver less affordable housing than larger allocated sites.
- 2.61 Table 3.1 in the Housing Background Paper<sup>9</sup> provides net windfall completions from 2006-2022 with an annual average of 140.9 dwellings for small sites (less than 10 dwellings); this Figure has been used for the windfall allowance in the draft Local Plan. However Table 3.1 shows that the annual windfall has significantly dropped in the last three monitoring years (109, 87 and 95) and therefore 140.9 dwellings may be an overestimate.

### *Existing planning commitments on unallocated sites*

- 2.62 There is also a high reliance on existing planning commitments on unallocated sites to deliver a large proportion of the District's housing need. Table 2 in the draft Local Plan shows 1,958 existing planning commitments with a total supply requirement of 9,146 therefore representing 21% of the supply.
- 2.63 A 10% Non - Implementation Rate should be applied to the existing planning commitments to provide a more robust position. This would mean that another 196 homes would need to be found to meet the total supply.

### *North East Thatcham*

- 2.64 The housing delivery approach is over reliant on North East Thatcham. Paragraph 6.23 of the draft Local Plan sets out that out of the 1,809 new dwellings that need to be found (requirement of 9,146 minus supply of 7,337) 1,500 are allocated at North East Thatcham.

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<sup>9</sup> West Berkshire Council Local Plan Review 2022-2039 Proposed Submission (Regulation 19) Housing Background Paper January 2023

2.65 Furthermore the housing trajectory in the Housing Background<sup>10</sup> paper seems unrealistic as it estimates that 1,500 homes would be built out during the plan period based on 150 dpa build out rate starting from 2029/30. Lichfields evidence<sup>11</sup> on average build out rates is 100-120 dpa for sites of 1,500 homes. Taking the higher 120 dph means that 1200 would be built out during the Plan; this is similar to the 1,250 which were expected to be built out during the Plan period at The Regulation 18 stage of the draft Local Plan.

*Sandleford*

2.66 The housing trajectory in the Housing Background paper seems unrealistic as it estimates 100 dpa from 2025/26; outline permission was granted for Sandleford East in 2022 and no reserved matters application has been made yet. Therefore the estimated 1,500 homes during the plan period seems unrealistic; indeed only 1000 homes were estimated to be built out during the Plan period at The Regulation 18 stage of the draft Local Plan.

**Development management policies/matters**

2.67 Our clients would also like to make minor comments on some of the development management policies/matters within the draft Local Plan.

*SP7- Design Quality*

2.68 This policy has been amended to remove the design criteria; some design criteria would be useful in helping developers to ascertain the design approach that is expected by the LPA. Notwithstanding this comment, our client, T A Fisher, delivers a very high-quality product. Their philosophy is to build to a standard, not to a price. This quality can be seen in their existing scheme in Mortimer, which has been well-received locally. Working with the local community to achieve a scheme we can all be proud of, is something that T A Fisher would seek to replicate at MOR005.

*SP19- Affordable housing*

2.69 This policy has been amended to state that viability assessments must be publicly available. The information in viability assessments can often be commercially sensitive and therefore

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<sup>10</sup> West Berkshire Council Local Plan Review 2022-2039 Proposed Submission (Regulation 19) Housing Background Paper January 2023

<sup>11</sup> Lichfields. Start to Finish. What Factors affect the build out rates of large scale housing sites. Second Edition February 2020

this amendment should be removed, or amended to say that a summary must always be made publicly available.

- 2.70 The supporting texts states that the Council will require a review mechanism to enable the Council to reassess viability over the lifetime of the development; this requirement is not reasonable and in any event would be difficult to monitor/enforce.

*DM4- Building Sustainable Homes and Businesses*

- 2.71 There should be a definition of net-zero as interpretations can vary.

*DM15- Trees, Woodlands and Hedgerows*

- 2.72 This policy states that *“Development which conserves and enhances trees, woodland and hedgerows will be supported”*. It is not appropriate to conserve trees, woodlands and hedgerows in all instances, for example where they do not have significant amenity and landscape value and where replacement vegetation will result in enhancements to the area/ an improved design scheme. The policy should be amended accordingly for clarity.

*DM19- Specialist Housing*

- 2.73 This policy refers to meeting a proven locally identified need for that housing product. It is inappropriate to have to prove locally identified need to support delivery of individual schemes given the evidence base and already identified need for specialist Housing.

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

- 2.74 This policy is not consistent with paragraph 80 of the NPPF as there are a number of detailed criteria which are not necessary and/or duplication.

- 2.75 The last paragraph of policy DM24 states that *“There will be a presumption against permission being granted for replacement building(s) pursuant to a change to a residential use established under this policy”*. This is contrary to section 38(6) of the Planning and Compulsory Purchase Act 2004 that requires planning applications be determined *“in accordance with the policies of the Development Plan, unless material considerations indicate otherwise”* and contrary to established case law on fallback positions. This paragraph should therefore be removed.

2.76 Accordingly, the Council's housing trajectory fails to meet the test for soundness in the NPPF (2021) as the LPR is not positively prepared, justified effective or consistent with national policy.

### 3.0 Land at West End Road, Mortimer

- 3.1 Appendix A of these representations contains the Site Promotion Document previously submitted to the Council in support of the land owned by our client at West End Road, Mortimer (HELAA ref. SM2; SHLAA ref. MOR005). This sets out, in detail, the suitability of the site for development.
- 3.2 In summary, the site is suitably located to the west of Mortimer and offers the potential for a sustainable and logical residential development of approximately 47 dwellings, alongside associated development, in line with the Council's strategy for growth and the settlement hierarchy outlined in policies SP1 and SP3.
- 3.3 For the reasons explained in Section 2 of these representations, we consider that the Local Plan Review should allocate additional housing to Stratfield Mortimer, beyond that currently planned up to 2026, as outlined in the Stratfield Mortimer NDP.
- 3.4 It is acknowledged that the Local Plan itself will not allocate specific sites for housing in Designated Neighbourhood Areas, as this is to be addressed through the NDP process. Nonetheless, the submitted Site Promotion Document reiterates the sustainability of Stratfield Mortimer, while confirming that land owned by our client at West End Road, Mortimer is suitable, available and achievable for housing development, as well as being deliverable in full within the next five years. It is well located to assist with meeting the village's housing needs.
- 3.5 In summary, while not exhaustive, key reasons as to why the site is a suitable location for development include the following:
- The site is adjacent to the settlement of Mortimer, which is identified as a Rural Service Centre in the settlement hierarchy.
  - Rural Service Centres have a range of services and reasonable public transport provision and provide opportunities to strengthen the role in meeting the requirements of surrounding communities. The site is within easy walking distance of the village centre and the range of services and facilities that it provides.
  - There is a train station to the east of Mortimer which provides connections to Reading and Basingstoke. The village is also served by a regular bus service to Tadley, Burghfield, Mortimer rail station and Reading.

- The northern, eastern, and southern boundaries of the site adjoin the settlement boundary.
- The site represents a logical ‘rounding off’ opportunity for the village. Through the use of an appropriate design and density, this will ensure the scheme remains in-keeping with the village character.
- The site is under option to a Local Housebuilder, T A Fisher who can not only ensure the deliverability of the site but can also ensure a high standard of design as achieved elsewhere on their sites in this area.
- Existing mature hedgerows bound most of the site and would largely be retained.
- The site is relatively flat.
- The site can accommodate approximately 47 dwellings, including affordable housing.
- The site can deliver a mix of 1, 2, 3, 4- and 5-bedroom homes.
- There is the potential to provide a Local Area for Play (LAP) on site.
- A safe and suitable access can be achieved.
- The site is not within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and would not harm its setting.

3.6 Considering the above, it is clear that the site is a suitable and sustainable location for residential development that has the potential to provide a wide range of benefits.

3.7 Furthermore, T A Fisher is currently building out the development of 110 units in the village. Providing additional housing beyond the 110 units will contribute to maintaining the vitality of this community beyond the current plan period. T A Fisher wish to continue working collaboratively with the Parish Council and local community to deliver additional housing within the village to meet needs. As a local house builder, and with an existing strong connection to the Parish, our clients have a clear understanding of local need and demand including the type and style of properties that the Parish Council wish to see and the local market wants to buy.



## 4.0 Conclusion

- 4.1 These representations have been prepared by Pro Vision on behalf of our client T A Fisher & Sons Ltd in response to West Berkshire Council's consultation on its Local Plan Review 2022-2039: Proposed Submission.
- 4.2 Our client welcomes the opportunity to be involved in the preparation of the Local Plan Review and it is within this context that they wish to make representations to the draft Local Plan.
- 4.3 Our client has an option on the land at West End Road, Mortimer (HELAA ref. SM2; SHLAA ref. MOR005) and is promoting this land for development with the consent of the landowner, Englefield Estate.
- 4.4 Our client's land has not been allocated for development in the draft Local Plan. This is due to Policy SP14 of the draft Local Plan not allocating additional housing to the village beyond that already accommodated in the current Stratfield Mortimer Neighbourhood Development Plan (NDP) (June 2017), which extends until 2026.
- 4.5 These representations therefore respond to Policy SP14 regarding the absence of a housing allocation to Stratfield Mortimer beyond 2026. We consider that it is necessary for the Local Plan Review to allocate additional housing to the village, which can be accommodated through a NDP Review, up to the end of the Plan-period in 2039.
- 4.6 In this regard, the land owned by our client at West End Road, Mortimer, is suitable, available and achievable for housing development, as well as being deliverable in full within the next five years. It is well located to assist with meeting the village's housing needs.
- 4.7 The site offers the potential for a sustainable and logical residential development of approximately 47 dwellings, alongside associated development, in line with the Council's strategy for growth and settlement hierarchy. The Site Promotion Document provided in Appendix A of these representations is re-submitted in support of the development opportunity.
- 4.8 We consider our client better placed than most to bring forward development in Mortimer given their existing and established working relationship with the Parish and community. Our client wishes to work collaboratively with the District and Parish Council with the aim of securing the sustainable development of the site – through the NDP process – following an

allocation of additional housing to the village within the Local Plan Review. These representations therefore respond to the draft Local Plan and its evidence base with reference to the need to allocate additional housing to Stratfield Mortimer, alongside the wider matters identified within the Document, building upon the information previously submitted.

4.9 In summary, our main comments in relation to the draft Local Plan are as follows:

- The need to recognise the role that Stratfield Mortimer can play beyond 2026, given that it is identified as a Rural Service Village that is suitable for growth in line with the Council's spatial strategy and settlement hierarchy.
- The need to allocate additional housing to Stratfield Mortimer beyond that already accommodated in the current Stratfield Mortimer NDP, which extends until 2026. This can be accommodated through a NDP Review, up to the end of the Plan-period in 2039.
- The need for the Council to engage with Stratfield Mortimer Parish Council regarding its aspirations for the future of the village.
- The need to review the level of housing that the Council is looking to accommodate to ensure that it provides a suitable buffer to allow flexibility to allow housing targets to be met, assists with addressing the pressing need for affordable housing in the District, as well as the additional economic, social and environmental benefits associated with a higher level of growth, alongside the potential need to assist neighbouring authorities with meeting any of their unmet housing needs.
- The need to review the approach to housing delivery as it is overly reliant upon two complex, large sites (Sandleford Park and North East Thatcham), windfalls and existing planning commitments to deliver a large proportion of the District's housing need.
- The need for additional housing allocations to ensure that planning decisions remain Plan-led throughout the whole Plan-period, there is sufficient flexibility in the Council's housing supply and the Plan is deliverable.

- Confirmation that land at West End Road, Mortimer is suitable, available and achievable for housing development, as well as being deliverable in full within the next five years.
- The need for minor amendments to some of the development management policies/matters within the draft Local Plan.
- Compliance with national planning policy and guidance.

4.10 Whilst, at this stage, we consider that the Local Plan Review is unsound, we have provided some recommendations to ensure that the Plan is made more robust.

4.11 We trust that these representations are helpful and would be happy to discuss them further or clarify any matters with the Council if required.

Appendix A – Site Promotion Document



# Land at West End Road

Mortimer

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TA FISHER



ENGLEFIELD  
ESTATE

i. Aerial Image of the site

ii. Parish boundary



**T A Fisher, in conjunction with the Englefield Estate, are proud to be working together to ensure the delivery of suitable, high quality housing within the village of Mortimer.**

The site subject of this document is located off West End Road at the south-western edge of the village and is within easy walking distance of the village centre and the range of services and facilities available.

It provides a developable area of approximately 1.34 ha for a residential scheme of bungalows, apartments and housing, with a mix of 1, 2, 3, 4- and 5-bedroom homes and the provision of a Local Area of Play (LAP).

The site is outside, but adjoining, the settlement policy boundary and is therefore regarded as being part of the open countryside. However, it represents a logical 'rounding off' opportunity for the village. Through the use of an appropriate design and density, this will ensure the scheme remains in-keeping with the village character, whilst also delivering 40% genuinely affordable housing on site.

The site represents a sustainable and vibrant development opportunity.



# 1. Locational Context of Mortimer

Mortimer is a sustainable village, located close to Reading, Newbury and Basingstoke. It has a distinctive rural character stemming from its long history and its setting within woodland and agricultural land. Because of its long history and an increasing population, Mortimer has retained most of its traditional facilities in addition to developing new ones. As a result, the village is one of two identified rural service centres in the East Kennet Valley. It therefore benefits from a strong sense of community, with a wide range of services and a thriving small business economy. As such, enhancing the range and availability of housing remains a key consideration for residents of all types and ages within the village.

Mortimer Station is located east of the village centre and there are also several bus stops along both The Street and West End Road. Essential services in the village include a McColl's and Budgen's supermarket with Post Office counter, Dad's Hardware Shop, a Pharmacy, Cafés, Public Houses, Dentist and Doctors. As such, the site is well placed to access these existing nearby facilities and public transport services.



i. Library  
 ii. St John's Church  
 iii. Newsagent  
 iv. Pharmacy  
 v. Local Material Palette



# 2. Site History

## Planning Applications

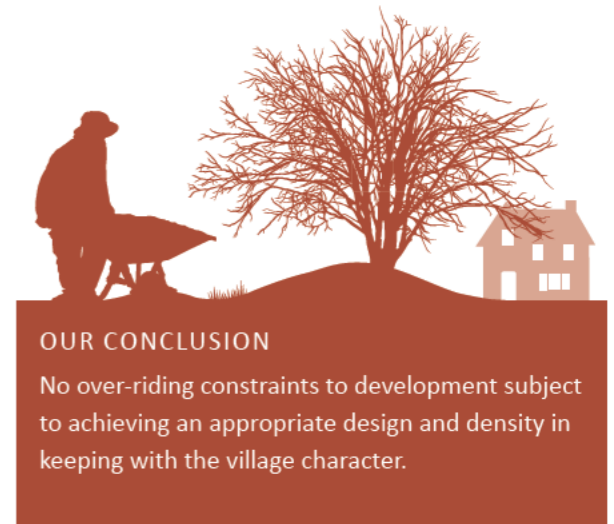
No planning applications are registered to the site.

## Local Plan History

- The site was previously assessed and regarded as suitable for development within the Strategic Housing Land Availability Assessment (SHLAA) 2013 (site reference MOR005).
- The site was further assessed as part of work on the Housing Site Allocations Development Plan Document (DPD) but was not recommended for allocation as Mortimer Parish Council were preparing a Neighbourhood Plan for the parish which included an alternative allocation for residential development.
- The site was not allocated within the Stratfield Mortimer Neighbourhood Plan (2017), although it was considered that the site related well to the existing settlement and had no significant issues preventing development.
- The site was promoted for inclusion within the Housing and Economic Land Availability Assessment (HELAA) 2017 and is now included in the HELAA 2020 as a site considered to be 'developable'.

Site regarded as suitable for development within the Council's Housing Assessment 2013

- Identified by the Council as having potential for 47 houses
- Site not selected as a preferred site within the Neighbourhood Plan, due to desire to provide all housing on one site (MOR006)
- Public footpath along western site boundary and West End Road to the north
- Existing houses to the north and east
- Mature hedgerows bounding the site and mature tree midway along eastern boundary
- Relatively flat site



### OUR CONCLUSION

No over-riding constraints to development subject to achieving an appropriate design and density in keeping with the village character.

# 3. Site Analysis/Assessment

## Development potential and availability

The site is regarded as having potential for the development of up to 47 houses and is presently available for development, with a prospective build out time frame of between two and three years.

## Suitability for development

The site is not within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and is not considered to harm the setting of the AONB. A 2017 Landscape Capacity Assessment considered that development of the site would be suitable, provided it included measures to ensure the protection of the wider countryside.

No highways or access issues have been identified and it has been deemed that the development of the site would not have an impact on local highway capacity or the wider strategic road network.

The site is not defined as public open space or as a local green space but makes provision for a Local Area for Play (LAP) within the site. It is currently listed as Grade 3 agricultural land, but is at a low risk of contamination, as confirmed by a desk study report by Ground and Water Limited, commissioned in February 2017. The development is considered to have a low risk in terms of noise and vibration problems to future occupants.

The site is within Flood Zone 1, ensuring that there is a low probability of flooding, although some low risk surface water pooling has occurred in the past. In addition, it has been identified that there is a possibility of groundwater emerging at the surface locally as the site is located within the Outer Zone of the Groundwater Source Protection Zone (SPZ). Despite this, it is considered the site remains viable.

Regarding the sites development on nature conservation, it is considered by the Thames Valley Environmental Research Centre to have medium risks due to being within 500 metres of priority habitats, ancient woodlands, European protected species and a Site of Special Scientific Interest (SSSI) Risk Zone. However, the site is capable of introducing suitable avoidance and mitigation measures, which would be identified through the commissioning of up to date ecological surveys.

An Ecological Report by AA Environmental Limited was commissioned in 2017 which identified that the site is of overall low ecological value and the species recorded on site could be described as ‘common’ or ‘abundant’, with no evidence of protected species recorded. A range of mitigation and enhancement measures were suggested which would reduce the impact of the works on local wildlife whilst increasing the long-term nature conservation value of the site. The Report concluded that there were no over-riding ecological constraints which would prevent the development of the site for housing.

## Designations in favour of inclusion

Additionally, the site is not within any Ramsar sites, Special Conservation Areas (SCA), Special Protection Areas (SPA) (including within 400m of the Thames Basin Heaths SPA), Sites of Special Scientific Interest (SSSI), Suitable Alternative Natural Greenspace (SANG), Ancient Woodland or Biodiversity Opportunity Area (BOA), but is within a habitat network. As such, the site would seek to deliver net gains in biodiversity. A Tree Protection Order (201/21/0024) runs along the eastern boundary which would be respected and retained as part of the site redevelopment.

The development of the site will not lead to any harm or loss of significance to any designated heritage assets, but there is potential for undesignated heritage assets to be impacted through development, with the remains of possible prehistoric or Roman features identified within the site. As would be expected, suitable research would be carried to establish the presence or absence of archaeological features prior to the commencement of development.

## Achievability

The site is located entirely within a proposed Mineral Safeguarding area, comprised mainly of sand and gravel. It is not expected this would be a barrier to development on the site and minerals could be extracted from the site prior to the commencement of development. The site is also not within the inner Atomic Weapons Establishment (AWE) Aldermaston or AWE Burghfield land use planning consultation zone, although it is on the outer edge of the “Middle Consultation Zone” relating to the nuclear installation at Aldermaston.

## Deliverability

The site is owned by a single landowner, The Englefield Estate, and it is available for immediate development by the developer, T A Fisher, who have an option agreement in place.



- The site is considered to be suitable and available for development.
- The site can be developed with no overriding constraints and without adverse impact.
- Development is achievable, with a realistic prospect of the site coming forward in 5 years.
- The site should therefore be regarded as “developable”, rather than potentially developable, within the Council’s Housing and Economic Land Availability Assessment.

- Site Boundary
- Bus Route and Stops
- PROW
- School
- Community Facility
- Library
- Doctor's Surgery
- Dentist
- Pharmacy
- Retail
- Public House
- Place of Worship
- Post Office
- Bank
- Restaurant
- Fire Station
- Recreation Ground
- Agricultural Land

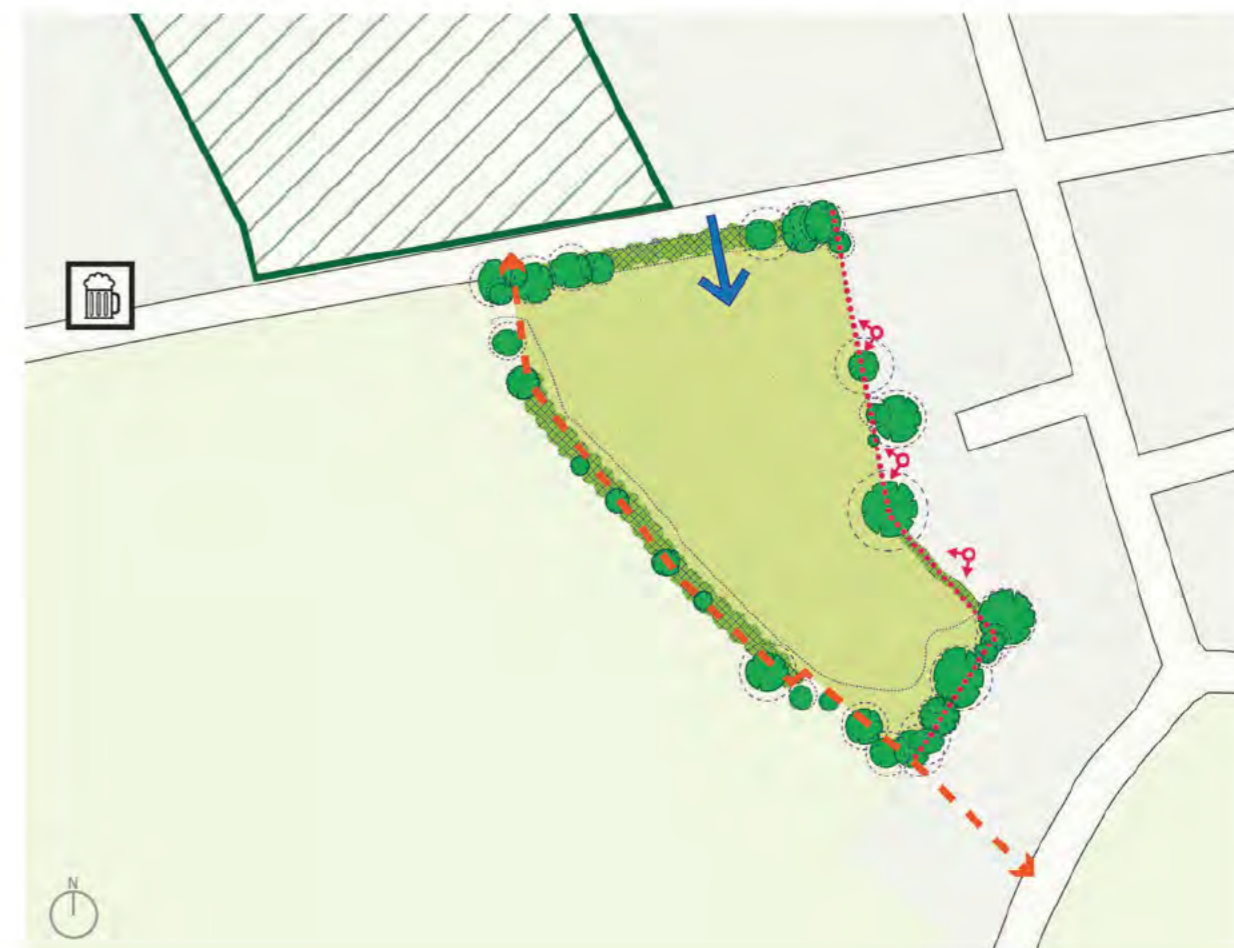
### Locational Context

Mortimer is a sustainable village located close to Reading, Newbury and Basingstoke. The village is one of two identified rural service centres in the East Kennet Valley. Mortimer Station is located east of the village centre and there are also several bus stops along both The Street and West End Road. Essential services in the village include Budgen's with a Post Office counter, Dad's Shop, a Pharmacy, Dentist and Doctors. Both sites are well placed to access existing facilities and public transport services.



### Key:

- Public House
- Recreation Ground
- Residential Edge
- Outlook from neighbouring properties
- Proposed Access
- Existing Public Right of Way
- Arable Land
- Hedge/Tree Group
- Tree
- Tree Root Protection Area
- Agricultural Land



# 4. Development Opportunities/Site Summary

## Positively responding to the needs of the village and features of the site

The site represents a significant opportunity to maintain and improve upon the vitality of an established rural community, enabling it to grow and thrive without adverse impact on its surroundings, given that it is physically well related to the existing settlement. It is currently in use as agricultural land and is designated as 'greenfield'. The land is relatively flat throughout



## A strong and accessible green framework

The site has a strong existing landscape framework formed by existing trees and hedgerows around the site boundary which will be retained and enhanced. Being adjacent to the settlement boundary, the site lies within close proximity of existing housing to the south and east and is opposite the continuation of the settlement to the north of West End Road. As such it is surrounded by the village on three sides with a public footpath forming the western boundary.



## Integrating new homes into Mortimer

The site will be accessed from West End Road, via a 5.5-metre-wide 'T-junction', with 2-metre-wide pavements on either side. Existing visibility within the vicinity of the junction will be trimmed back to ensure the appropriate visibility splays are achieved and maintained.

Pedestrian links will be created through the development, linking to the existing footpath, opening up the site and the central open space.



## Creating Character

The development will be focused around an open space situated in the southern part of the site which will create a space for informal recreation close to the proposed new homes. The arrangement of buildings and spaces will create a well-connected and safe neighbourhood with landmark buildings at key points to act as way-makers, promoting permeability and creating a sense of place with appropriate planting and landscaping to reflect the rural nature of the village and the edge of settlement location.





**KEY FACTS**

- Developable area 1.34 ha – delivers 47 units at a density of 35 dwellings per hectare
- Mix of bungalows, apartments and housing, including focal buildings
- Mix of 1, 2, 3, 4 and 5 bedroom homes
- Delivers 40% affordable housing on site
- Accessed off West End Road by 'T' Junction
- Connectivity onto public footpath to the west
- Area of amenity space providing focal point and root protection area for retained mature tree
- Includes a Local Area of Plan (LAP)
- Retains existing hedgerows
- Accords with West Berkshire Design Guidance on garden sizes and back to back separation distances

i.

MINIMUM CAR PARKING STANDARDS	MINIMUM CYCLE PARKING STANDARDS



i. West Berkshire Parking Standards

Sketch Concept Plan

## 5. Key Benefits



## 6. Conclusions

The site will be developed by a reputable and trusted independent local house builder who have delivered numerous high-quality housing schemes throughout the county.

The proposal is for the development of 47 units of housing on approximately 1.34 hectares, delivering a density of 35 dwellings per hectare an accessible and sustainable location, creating a suitable 'rounding off' opportunity at the village boundary.

The scheme will incorporate a comprehensive landscape scheme to ensure the views of the site and existing landscape features are enhanced, in particular those along the site's western boundary which adjoins the open countryside. The design of the site will take inspiration from the local distinctiveness of the village, incorporating elements of the townscape and important character areas, including local vernacular, materials, colours, textures and features.

The proposal will take account of key ecological considerations and seek to preserve and enhance biodiversity within and adjacent to the site through the use of an appropriate mitigation strategy. In addition to this, important trees on the periphery of the site will be retained to enhance the landscaping and character of the development and aid in the retention of its edge of settlement rural identity.

The site will be accessed via a suitable T-junction off West End Road which will provide excellent linkages with the village services and facilities, for those on foot, by bicycle or in a car and to areas further afield.

The site is not within a significant flood risk area, although the scheme will incorporate a suitable strategy to ensure that sustainable urban drainage and foul and surface water drainage are achieved.

In light of the above, the site is considered to be suitable, available, achievable and deliverable. It is suitable for it to therefore be brought forward for development immediately, with an estimated build out timeframe of between two and three years.

# 7. About T A Fisher



## TA FISHER

- i. Butlers Yard, Peppard Common
- ii. The Munstead, Rosedene
- iii. Symeon Heights, Caversham
- iv. St James Place, Pangbourne



T A Fisher is a modern privately-owned local house builder and property development company with over a century's tradition and a first-class reputation. The business is family run, having established an enviable reputation for delivering high quality new homes that are sympathetic to their surroundings.

The company is highly regarded and undertakes a responsible approach to the environment.

T A Fisher's philosophy is:

'build to a standard, not to a price'.



## 8. About The Englefield Estate



### ENGLEFIELD ESTATE

The Englefield Estate is the Landowner of SM02 (Land at West End Road) and is a family owned business based in West Berkshire, which manages approximately 14,000 acres of land, comprising of a diverse and thriving range of farms, woodland, residential and commercial property throughout Berkshire and Hampshire, in both rural and urban areas.

It is managed by a professional, forward-thinking team with the long-term welfare of local communities, the environment and the rural economy very much at heart.



Site Promotion Document March 2020

Project No. 2201

Prepared on behalf of T A Fisher and The Englefield Estate



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