



West Berkshire Council Regulation 19 Consultation on its draft Local Plan: Representations by Thatcham Town Council

To: The Director of Place / Planning Policy Team, Development and Regulation, West Berkshire Council

Thatcham Town Council respectfully submits its representations on West Berkshire Council's Regulation 19 Consultation on its draft Local Plan.

The Town Council welcomes the decision of West Berkshire Council to reconsider its proposal in the Emerging Draft Local Plan for a strategic site of 2,500 homes to the north east of Thatcham. However, the Regulation 19 draft Local Plan does not properly consider the impacts of a development of its revised proposal for 1,500 homes, nor adequate provision for the infrastructure that Thatcham so desperately needs – even before any additional homes are built.

The current Local Plan states that:

"Thatcham's services and facilities will be improved allowing the town to fulfil its role within the District Settlement Hierarchy and the Hierarchy of Centres, serving the local population, not only within Thatcham, but also the surrounding rural areas."

This improvement has not happened during the current plan period, and the policies in the draft Local Plan and the Infrastructure Delivery Plan will not deliver this in the next plan period. The draft Local Plan is therefore unsound, as it relates to Thatcham and its surroundings.

Thatcham Town Council acknowledges that Thatcham should make its proportionate contribution to the housing needs of West Berkshire, once the deficit of infrastructure (particularly social infrastructure) in the town has been addressed.

These representations identify numerous reasons why the draft Local Plan as it relates to Thatcham is not legally compliant or is unsound. The Town Council believes that it is not ready for independent examination (as per Section 20 (7) of the Planning and Compulsory Purchase Act 2004). We therefore urge West Berkshire Council to delay the submission of the draft Local Plan to the Secretary of State, so that these matters can be addressed. This would also enable it to take into account the review of the National Planning Policy Framework, on which the Government is currently consulting.

Should West Berkshire Council proceed with submission of the draft Local Plan in its current form, the Town Council envisages that the changes necessary to make it sound would be more extensive than could be addressed through 'main modifications', and it would therefore be rejected. The Town Council understands the need for West Berkshire to have a Local Plan. Delaying the submission in order to address the issues in these representations is therefore likely to lead to an earlier date of final adoption.

The Town Council welcomes the statement in paragraph 6.63 of the draft Local Plan "Further detailed work will be required to develop a coherent masterplan or development framework to take the development *[at North East Thatcham]* forward, which will be produced in collaboration with the community and other stakeholders."

As the principal representative of the community of Thatcham, the Town Council looks forward to playing a leading role in this collaboration. If this collaboration had started earlier (between the Regulation 18 consultation on the Emerging Draft Local Plan and this consultation) as is called for in Paragraph 25 of NPPF, then many of these representations might not have been necessary.



West Berkshire Local Plan Review 2022-2039

Proposed Submission Representation Form

Ref:

(For official use only)

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

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:	Ms	
First Name:*	Mel	
Last Name:*	Taylor	
Job title (where relevant):	Town Clerk	
Organisation (where relevant):	Thatcham Town Council	
Address* Please include postcode:	Council Offices, Brownsfield Road, Thatcham, RG18 3HF	
Email address:*	town.clerk@thatchamtowncouncil.gov.uk	
Telephone number:	01635 863592	

*Mandatory field

Part B – Your Representation

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	The Sustainability Appraisal for Policy SP1 - Spatial Strategy
Section/paragraph:	4.19
Policy:	SP1 – Spatial Strategy
Appendix:	
Policies Map:	
Other:	SP16, SP17 Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) November 2022 Sustainability Appraisal / Strategic Environmental Assessment; Appendix 5

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

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No

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Please give reasons for your answer:

Regulation 12 of The Environmental Assessment of Plans and Programmes Regulations 2004 states:

“(1) Where an environmental assessment is required by any provision of Part 2 of these Regulations, the responsible authority shall prepare, or secure the preparation of, an environmental report in accordance with paragraphs (2) and (3) of this regulation.

(2) The report shall identify, describe and evaluate the likely significant effects on the environment of—

(a) implementing the plan or programme; and

(b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.”

The SA/SEA Environmental Report states:

“The Core Strategy had a focus on Newbury and Thatcham, with two strategic sites allocated in Newbury and smaller sites allocated across the rest of the district. This mix of strategic and smaller sites across the district worked well for the Core Strategy by providing flexibility and natural phasing of developments across the plan period. As a result a similar mix of sites is considered to be appropriate for the LPR with no other alternatives considered.”

Regulation 12 requires the identification, description and evaluation of ‘reasonable alternatives’. If an approach worked well in the current plan period, it does not follow that it is the best approach for the following plan period – and it is certainly does not follow that there are no ‘reasonable alternatives’.

It is incorrect for the SA/SEA to assert that the approach in the current Local Plan has ‘worked well’ by providing ‘natural phasing of developments across the plan period. This is certainly not the case for the Sandleford Strategic Site Allocation. Policy CS3 of the current Local Plan states:

“Within the area identified at Sandleford Park, a sustainable and high quality mixed use development

will be delivered in accordance with the following parameters:

Phased delivery of up to 2,000 dwellings, of which at least 40% will be affordable and with an emphasis on family housing. At least half the housing is planned to be delivered by 2026;”

However, as the SA/SEA explains (pages 35-37): “no work has started at the site at Sandleford, with outline planning permission for the eastern part of the site only granted (on appeal) in May 2022.” The site has been re-allocated “as a single site for up to 1500 dwellings”. “Reducing the number of dwellings on the site allowed for better consideration of the constraints on the site (Ancient woodland, drainage, landscape buffers etc.) and will allow for adequate and appropriate mitigation measures to be put in place.”

The SA/SEA states (page 25, below the table):

“Following the decision that the spatial strategy should focus on Thatcham, strategic site options were considered, based on the sites submitted through the February 2020 HELAA.”

Therefore, ‘reasonable alternatives’ that are not around Thatcham were not considered. This decision was also based on the false premise that the town of Thatcham would have sufficient infrastructure to support this development, either at the time of the decision or as a result of the development. The lack of infrastructure in Thatcham is addressed by other representations of the Town Council.

The Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) for Policy SP1 cannot be legally compliant, because it explicitly states that it has not complied with the requirement to identify, describe and evaluate reasonable alternatives to the proposed policy. The experience of delays in delivery of Sandleford Park in the current plan period (described in paragraphs 6.44 – 6.46 of the draft Local Plan, and the reduction in the number of dwellings from 2,000 to 1,500, suggest that the proposed policy for North East Thatcham is not even the best alternative.

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

As explain in Section 1 above, the draft Local Plan explicitly states that no alternatives have been considered. The evidence of the failure of the Sandleford Strategic Site Allocation to deliver the expected number of houses suggests that relying on two strategic sites (with a number of smaller sites) is not even the best approach.

As the sustainability appraisal is not legally compliant, the Local Plan cannot be in accordance with Paragraph 32 of NPPF.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

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).

A new Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) needs to be undertaken, which considers all 'reasonable alternatives' to the decisions relating to strategic sites and proposed approach of Policy SP1.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	SA/SEA Appraisal for Policy SP17 – number of homes
Section/paragraph:	6.61
Policy:	SP17 – number of homes
Appendix:	
Policies Map:	
Other:	Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) November 2022

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

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No

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Please give reasons for your answer:

Regulation 12 of The Environmental Assessment of Plans and Programmes Regulations 2004 states:

“(1) Where an environmental assessment is required by any provision of Part 2 of these Regulations, the responsible authority shall prepare, or secure the preparation of, an environmental report in accordance with paragraphs (2) and (3) of this regulation.

(2) The report shall identify, describe and evaluate the likely significant effects on the environment of—

(a) implementing the plan or programme; and

(b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.”

The SA/SEA Environmental Report describes how only a single alternative was considered in the Interim SA/SEA for the Regulation 18 consultation. For the Regulation 19 Consultation, two alternatives are considered, for 1,500 homes and 2,500 homes. No explanation is given as to why other alternatives with fewer than 1,500 homes were not considered.

One ‘reasonable alternative’ that should have been considered is to divide the required number of homes between two sites (or perhaps even more). The SA/SEA states that “A large strategic site can deliver a number of positive benefits”. This is undoubtedly true, but the opposite is not inherently false, as evidenced by the analysis in Section 2 - Soundness below:

- The NE Thatcham site would have two primary schools, so two smaller sites could have one school each.
- The provision of a GP surgery is not related to the number of houses; it would be provided by the proposal for 1,500 houses but not the one for 2,500 houses.
- The site is stated to have “local centres providing local retail facilities and small-scale employment for community use”. If there are several local centres, then they could be distributed

between several smaller sites.

- A site of either 1,500 or 2,500 homes is not sufficient by itself to support the provision of secondary education.

The SA/SEA for Policy SP13 states:

“Due to the proposed strategic allocation in Thatcham, it is not considered appropriate to allocate any further sites in Thatcham and therefore, no other sites have been assessed.”

The Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) for Policies SP1 and SP13 are therefore not legally compliant, because they have not considered all of the ‘reasonable alternatives’ to a single development of 1,500 homes.

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

As the sustainability appraisal is not legally compliant, the Local Plan cannot be in accordance with Paragraph 32 of NPPF.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

☐

No

☐

Please give reasons for your answer:

N/A

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).

A review of Table 30 should be part of a wider review of the Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) in relation to North East Thatcham.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	SA/SEA appraisal for Policy SP17 – Table 30
Section/paragraph:	
Policy:	SP17
Appendix:	
Policies Map:	
Other:	SP1 Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) November 2022

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

☐

No

☐

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

The Sustainability Appraisal should be based on evidence, rather than speculation or supposition.

Table 30 compares the SA/SEA a development of 2,500 homes (i.e. the proposal for the Regulation 18 consultation) and for 1,500 homes (i.e. the proposal for the Regulation 19 consultation) for North East Thatcham. It should therefore be based on the SP17 Policy for this development in the Emerging Draft Local Plan for the Regulation 18 consultation and the Draft Local Plan for the Regulation 18 consultation.

The table below compares the text of Table 30 with the corresponding parts of Policy SP17 in those two consultations.

With the exception of secondary education, the version of Policy SP17 for 1,500 homes (i.e. Regulation 19) gives a greater positive impact and confidence in that impact than the version of Policy SP17 for 2,500 homes (i.e. Regulation 18).

Nothing can be meaningfully inferred regarding provision of secondary education:

- The figure of 8FE appears to have been copied from the Thatcham Strategic Growth Study, where it is given very tentatively as a need resulting from other unspecified developments in the Newbury/Thatcham area.
- The figure of 2.5FE is below the minimum viable size for a secondary school, so is undeliverable.

Thatcham Town Council has provided detailed representations on many aspects of Policy SP17, including primary healthcare, secondary education and the provision of social infrastructure in the town.

Comparison of SA/SEA aspects of Policy SP17 for 1,500 and 2,500 homes

		Thatcham Town Council comments
Issue	Overall impact on sustainability	
Table 30 – up to 2,500 homes	Overall development of this site would be likely to result in a positive impact on all elements of sustainability.	The assessment for 1,500 homes is inconsistent with the sustainability appraisal for Policy SP17 in Appendix 5, which gives a positive or neutral assessment for every SA objective except one, and gives an 'Overall Effect' of "positive". The one negative assessment is for the greenfield site, which is independent of the number of homes.
Table 30 – up to 1,500 homes	Overall development of this site is likely to give a neutral impact on all elements of sustainability.	
Issue	Community Infrastructure	
Table 30 – up to 2,500 homes	The scale of the development provides for community infrastructure to be delivered on site, resulting in a significantly positive impact on social sustainability.	The on-site community infrastructure delivered by Policy SP17 at Reg. 19 has overall a greater positive impact than at Reg. 18: SP17 Reg.19 would provide a GP Surgery that SP17 Reg.18 would not. SP17 Reg.19 would provide a 1,200 sq m community indoor facility that SP17 Reg.18 would not. Both SP17 Reg.18 and Reg. 19 would provide primary schools to meet the needs of the site. SP17 Reg. 18 would provide an 8FE secondary school with land provided and part funded by the development, whereas SP17 Reg. 19 would only provide land to meet the impact of the development (approx. 2.5FE). However, there is no rationale for the earlier provision of 8FE or for this massive reduction. A 2.5FE secondary school is not viable, and the reduction in the number of houses should make land for a school more readily available. There has been no assessment of need for provision of secondary education, so the wider benefit of education facilities is not
Table 30 – up to 1,500 homes	The scale of the development would provide for some community infrastructure, resulting in a positive impact on social sustainability, however, the development may not be of a size to deliver a wider range of facilities to support Thatcham such as new education facilities.	
Policy SP17 Reg. 18	2 new primary schools (1 x 3FE, 1 x 2FE) and the sports infrastructure requirements of those schools A new secondary school (8FE) and the sports infrastructure requirements of that school	
Policy SP17 Reg. 19	450 sq. metres GP Surgery A 2.5 FE primary school on site and sports infrastructure requirements of the school Secondary provision - Land to meet the impact of the development 1,200 sq m community indoor facility to be used for sport and community uses with a	

	variety of room sizes Outdoor formal and informal sports pitches and areas to meet the identified need of the development;	substantiated (however, they may well be needed, if only to address changes in school catchment areas resulting from developments elsewhere in the Newbury/Thatcham area).
Table 30 – up to 1,500 homes	It is noted, that compared to a higher number of dwellings, this option may not deliver all of the education provision originally envisaged on the site...	
Issue	Environmental sustainability	
Table 30 – up to 2,500 homes	While there is an unknown impact on environmental sustainability in relation to impacts on air, water, noise and soil mitigation measures would be able to deliver an overall neutral impact.	If the impact on environmental sustainability is 'unknown', it cannot be known if mitigation measures would be able to deliver an overall neutral impact.
Table 30 – up to 1,500 homes	While there is an unknown impact on environmental sustainability in relation to impacts on air, water, noise and soil mitigation measures would be able to deliver an overall neutral impact.	
Issue	Employment and business opportunities	
Table 30 – up to 2,500 homes	Development is likely to result in a positive impact in relation to economic sustainability as employment and business opportunities will be provided for on site along with community facilities.	There is greater confidence in the positive impact for Policy SP17 at Reg. 19, because the total size of the centres is specified.
Table 30 – up to 1,500 homes	Development is likely to result in a positive impact in relation to economic sustainability as employment and business opportunities will be provided for on site along with community facilities.	
Policy SP17 Reg. 18	Local centres providing local retail facilities and small-scale employment space	
Policy SP17 Reg. 19	Local centres providing local retail facilities and small-scale employment for community use (approximately 1,100 sq. metres)	
Issue	Sports pitches	
Policy SP17 Reg. 19	Outdoor formal and informal sports pitches and areas to meet the identified need of the development	There is no corresponding statement in SP17 at Reg. 18, but the 'identified need' will be defined through other policies. This is therefore not, in practice, a difference in impact.
Issue	Scale of the site	
Table 30 – up to 2,500 homes	The scale of the site allows for greater scope for onsite mitigation to any potential sustainability impacts.	There is no evidence for this in comparison Policy SP17 for Reg.18 and Reg.19.
Table 30 – up to 1,500 homes	The scale of the site will mean that more additional sites will need to be allocated across the district.	This statement is inconsistent with the changes in site allocations between Regulation 18 and 19 in Policies SP13-15.
Table 30 – up to 1,500 homes	It is noted, that compared to a higher number of dwellings, this option may not deliver ... the additional improvements to community infrastructure within Thatcham.	Neither SP17 nor any other Policy address additional off-site improvements to community infrastructure within Thatcham, at either Regulation 18 or 19, so there is no basis for this assertion. It is also not supported by the Infrastructure Delivery Plans associated with those consultations.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

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).

A review of Table 30 should be part of a wider review of the Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) in relation to North East Thatcham.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Sustainability Appraisal for Policy SP17 – Appendix 5
Section/paragraph:	
Policy:	SP17
Appendix:	
Policies Map:	
Other:	Sustainability Appraisal: Appendix 5 SA/SEA of Strategic Policies Appendix 4 of the HELAA – Site assessments

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

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No

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Please give reasons for your answer:

The Sustainability Appraisal of Policy SP17 is so inadequate that it does not comply with the requirement of Paragraph 12(2)(b) of The Environmental Assessment of Plans and Programmes Regulations 2004:

“The report shall identify, describe and evaluate the likely significant effects on the environment of -

(a) implementing the plan or programme; and

(b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.”

Many of the ‘scores’ for the ‘Effects of Policy SP17 on SA Objectives’ are not justified by what is actually contained in the policy and/or are incompatible with the supporting evidence supplied with the consultation or provided by Thatcham Town Council in these representations.

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		✓
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with		

rather than deferred, as evidenced by the statement of common ground		
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

The sustainability appraisal of Policy SP17 is extremely superficial, and provides no evidence to support the assessments given. The words “likely” and “should” are used to justify a benefit, when there is no evidence to support this.

The assessment within the SA/SEA is inconsistent with the assessment for site THA20 (the previous name for NE Thatcham) as described in the HELAA 2020 (referenced in paragraph 6.55 of policy SP17).

There is no appraisal whatsoever of the viability and accuracy of the points in the policy. Thatcham Town Council is particularly concerned about the ‘justifications for the following:

- The provision for land for a secondary school is substantially below the minimum in West Berkshire Council’s own policy and Government requirements for funding.
- The health centre also appears to be too small to be viable, and West Berkshire Council has not complied with its Duty to Cooperate on this matter.
- Policy SP17 does nothing to rectify the current deficit of infrastructure in Thatcham, let alone provide the additional infrastructure needed for the additional new residents.

These issues are considered in detail in specific representations by the Town Council.

A detailed analysis of the sustainability appraisal of Policy SP17 is provided in the table below. The first six columns are copied from the Sustainability Appraisal, and the last two columns are the comments of Thatcham Town Council and its assessment of the effects of Policy SP17 on the SA Objectives.

North East Thatcham Strategic Site

++	+	O	-	--
Significantly Positive	Positive	Neutral	Negative	Significantly Negative

Appendix 5 SA/SEA of Strategic Policies						Thatcham Town Council assessment	
SA Objective	SA Sub-Objective	Effects of Policy on SA Objectives	Justification for assessment	Mitigation / Enhancement	Comment	Comment	Effects of Policy on SA Objectives
1: To enable provision of housing to meet identified need in sustainable locations	1(a): To maximise the provision of affordable housing to meet identified need	++	The policy includes specific reference to the provision of affordable housing to be provided on the site.		The policy is likely to have a significantly positive impact on social sustainability as it will help to meet		++
	1(b): To enable provision of housing to meet all sectors of the community, including those with specialist requirements	++	The policy includes requirements for a range of dwellings types as set out in SP18. There is also a requirement for 3% of dwellings to be delivered via serviced custom/self-build.		housing to meet local needs, including affordable housing and provision to meet needs across all sectors of the community.	The mix of housing types, provisions for social housing for rent and specialist requirements for wheelchairs are addressed in policies SP18 and SP19, and these are not mentioned within Policy SP17. They should be assessed under those policies.	O
2: To improve health, safety and wellbeing and reduce inequalities	2(a): To support healthy, active lifestyles	++	The policy includes requirements for sports facilities, sustainable modes of travel to be designed into the site to allow for safe, active travel.		The policy is likely to have a significantly positive impact as it seeks to support and improve health, safety and wellbeing.	The Thatcham Strategic Growth Study suggests that the identified need of the development for outdoor formal and informal sports pitches and areas is not deliverable on-site (presumably because of the slope of most of the site). The proposed off-site location at Henwick Worthy is	O

						not viable. The requirement for sustainable modes of travel on the site are likely to be compromised by the constraints in providing safe and welcoming cycle routes along the A4 and to Thatcham Station.	
	2(b): To reduce levels and fear of crime and anti-social behaviour	+	The policy is likely to have a positive impact as the design of the site should be such to design out crime.			The policy does not address crime or antisocial behaviour. Indeed, crime is only mentioned once anywhere in the draft Local Plan (in the context of levels of exterior lighting) and antisocial behaviour is not mentioned at all.	O
	2©:To enable the protection and enhancement of high quality multi-functional GI across the District	++	The policy is likely to have a significantly positive impact as it includes details of the GI provision required.			The development will inevitably be to the detriment of the green existing infrastructure of the site. There is insufficient information about the proposed 'Country Parks / Public Open Spaces' to assess to what extent they will enhance the overall GI, or just mitigate the detriment to GI of the development.	+
3: To improve accessibility to community infrastructure	3(a): To improve access to education, health and other services	++	The policy is likely to have a positive impact on accessibility community services and facilities, including education provision, health care provision and other services/facilities		The policy is likely to have a positive impact on all elements of sustainability as it seeks to improve accessibility to community infrastructure.	The proposed provision for secondary education is demonstrably not viable. The Town Council has concerns about the viability of the primary healthcare provision. West Berkshire Council has not complied with its statutory Duty to Cooperate, in order to validate its viability.	--

	3(b): To support the development of access to IT facilities including Broadband particularly in rural locations	?	Other policies in the plan require consideration of digital infrastructure, so overall the development should result in a positive impact on digital accessibility.			The wording for SP16 is more appropriate: 'Specific mention of IT facilities is not mentioned within the policy, therefore, it is likely to have a neutral impact.' In any case, a site of this size will nowadays be provided with broadband on a commercial basis without needing any policy intervention.	O
4: To promote and maximise opportunities for all forms of safe and sustainable travel.	4(a): To reduce accidents and improve safety	+	The policy is likely to have a positive impact on road safety as safe travel will be critical to the design of the site.		The policy is likely to have a significantly positive impact on all element of sustainability as it seeks to provide opportunities for safe and sustainable travel.	This policy does not address accidents or safety.	O
	4(b): To increase opportunities for walking, cycling and use of public transport	++	The policy is likely to have a significantly positive impact on walking, cycling and public transport as the development should be designed with these in mind.			Neither Policy SP17 nor the supporting text mention public transport, although the Traffic Study and the Thatcham Strategic Growth Study do.	+
5: Ensure that the character and distinctiveness of the natural, built and historic environment is conserved and enhanced.	5(a): To conserve and enhance the biodiversity and geodiversity of West Berkshire	++	The policy is likely to have a significantly positive impact on biodiversity as it sets out specific ecological requirements for the development		The policy is likely to have a significantly positive impact on environmental sustainability as it seeks to conserve and enhance the natural, built and historic environment.	The Policy calls for Biodiversity Net Gain Strategy, but this is in part to mitigate the loss of biodiversity from the development.	+
	5(b): To conserve and enhance the character of the landscape	+	The policy is likely to have a positive impact on landscape character as consideration of the landscape is written into the policy.			It is inconceivable that a development of 1,500 dwellings can have a positive impact on landscape character.	--
	5(c): To protect or, conserve and enhance the built and historic environment to	+	The policy is likely to have a positive impact on the historic environment as it includes the requirement for a Historic Environment			The development will undoubtedly be detrimental to the settings of Siege Cross Farm and the barn at Colthrop Manor, both of	-

	include sustaining the significant interest of heritage assets		Strategy to be submitted			which are listed buildings. The Historic Environment Strategy can only address how to mitigate this detriment.	
6: To protect and improve air, water and soil quality, and minimise noise levels throughout West Berkshire.	6(a): To reduce air pollution	O	The policy is unlikely to impact on air quality	Other policies in the plan will ensure that there is no negative impact on air quality.	The policy is unlikely to impact on any element of sustainability in relation to air, water, soil or noise.		O
	6(b): To manage noise levels	O	The policy is unlikely to impact on noise levels				O
	6(c): To maintain and improve soil quality	O	The policy is unlikely to impact on soil quality				O
	6(d): To maintain and improve water quality	O	The policy is unlikely to impact on water quality.			The assessment that “The policy [SP17] is unlikely to impact on water quality” is inconsistent with the district-wide assessments of Water Supply and Water Quality on p9 of the SA/SEA Environmental Report November 2022. The increase in abstraction to provide water for the site could be detrimental to the chalk aquifers of the Kennet Valley, and therefore to its chalk streams.	-
7: To promote and improve the efficiency of land use.	7(a): To maximise the use of previously developed land and buildings where appropriate	-			The policy is likely to have an overall neutral impact, with a positive impact on social sustainability as it seeks to provide suitable densities of dwelling across the site.	The site is entirely greenfield, within the setting of the North Wessex Downs AONB.	--
	7(b): To apply sustainable densities of land	+	The policy is likely to have a positive impact on density of land use, as the			The area of the site has not been reduced in proportion to the reduction from 2,500 to	--

	use		number of dwellings on the site takes into account appropriate densities.			1,500 dwellings, so the expected density must therefore have been reduced in that proportion – i.e. to 60% of the Regulation 18 consultation.	
8: To reduce consumption and waste of natural resources and manage their use efficiently.	8(a): To reduce energy use and promote the development and use of sustainable /renewable energy technologies, generation and storage	++	The policy is likely to have a significantly positive impact on energy use as it requires the site to consider energy use and provide on-site renewable energies.			The requirements of the energy strategy will probably not go significantly beyond what will be required by planning policy in force by the date of construction. It is unclear what is meant by 'on-site renewable energy' beyond the solar panels and heat pumps that will be needed for net carbon zero dwellings and BREEAM 'excellent' non-residential buildings;	+
	8(b): To reduce waste generation and disposal in line with the waste hierarchy and reuse of materials	O	The policy is unlikely to have an impacts on waste generation. However, the policy does require 'BREEAM' excellent for non-residential buildings which can include consideration of waste management.				O
	8(c): To reduce water consumption and promote reuse	+	The policy is likely to have a positive impacts on water consumption as it requires an integrated water supply and drainage strategy to be submitted.			The Integrated Water Supply and Drainage Strategy required by SP17 makes no mention of reduction of water consumption or reuse.	O
	8(d): To reduce the consumption of minerals and promote reuse of secondary materials	+	The policy is likely to have a positive impact on the consumption of minerals as it requires a MRA to be submitted.			The production of an MRA does nothing by itself to reduce consumption of materials. A very small part of the site is on the periphery of the Minerals Safeguarding	O

						Area, but the oil pipeline runs through this area which would probably prevent any extraction.	
9: To reduce emissions contributing to climate change and ensure adaptation measures are in place to respond to climate change.	9(a): To reduce West Berkshire's contribution to greenhouse gas emissions	+	The policy is likely to have a positive impact as it seeks for a sustainable, low carbon development.		The policy is likely to have a positive impact on all element of sustainability in relation to responding to climate change.	The policy does not address the considerable contribution to greenhouse gas emissions from the manufacture of building materials, transport of them and construction of the site. The BREEAM standard for non-residential buildings should be 'outstanding, rather than merely 'excellent.	-
	9(b): To sustainably manage flood risk to people, property and the environment	? / +	The policy requires consideration of SuDS that could deliver net gains for Thatcham, but there is no other reference made to flood risk. The policy does include requirements for GI, ecology and sustainability measures to be included which may all have a positive impact on flood risk,	The policy, in combination with other policies in the plan (eg. The flooding policy) should result in a positive impact.			?
10: To support a strong, diverse and sustainable economic base which meets identified needs.	10(a): To encourage a range of employment opportunities that meet the needs of the District	+	The policy is likely to have a positive impacts on employment opportunities as it includes a requirement for community facilities, which could include employment opportunities, to be provided on site.			Policy SP17 states: "Local centres providing local retail facilities and small-scale employment for community use (approximately 1,100 sq. metres Class E and F2). Local retail facilities by their nature do not "meet the needs of the District". The relatively small floor area and broad range of uses that fall within Classes E and F2 make it impossible to assess the extent to which these	?

						facilities meet this sub-objective, if at all.	
	10(b): To support key sectors and utilise employment land effectively and efficiently	O	The site is unlikely to impact on the effective and efficient use of employment land			Site ESA1 (Land east of Colthrop Industrial Estate, Thatcham) was within the area considered in the Thatcham Strategic Growth, and we understand that it is in the ownership of a proponent of THA20. This has now been granted planning permission for warehousing and light industrial – which is a missed opportunity for ESA1 to be developed in a way that complements and provides employment for future residents of North East Thatcham.	-
	10(c): To support the viability and vitality of town and village centres	++	The policy is likely to have a significantly positive impact on the viability and vitality of Thatcham as the development will support itself and other improvements within Thatcham.			The vision for regeneration of Thatcham Town Centre and improvement of provision of leisure and community facilities that in the DPD of the 2012 Local Plan has not materialised; they have, if anything, deteriorated in that period. Policy SP17 says nothing about regeneration of Thatcham Town Centre, and the increase in population will make the existing provision less sustainable.	--

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

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).

A proper sustainability appraisal of Policy SP17 needs to be undertaken, followed by a new assessment of the reasonable alternatives (including different sites). The results need to be reflected in main Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) Report (in particular, Tables 30 and 31).

As justification, the Examination should consider whether the assessment of SP17 in the Sustainability Appraisal is consistent with the more detailed assessment of site THA20 in the HELAA.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Water usage efficiency
Section/paragraph:	10.69
Policy:	DM7
Appendix:	
Policies Map:	
Other:	Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA); Environmental Report (November 2022) Sustainability Appraisal / Strategic Environmental Assessment: Appendix 6: SA/SEA of Development Management Policies West Berkshire Water Cycle Study – Phase 2

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

The West Berkshire Water Cycle Study – Phase 2, prepared by JBA Consulting states:

“Both Water Resource Zones in the study area are classed as being under serious water stress – justifying the more stringent target of 110 l/p/d under building regulations.

WBC may want to consider going further than the 110l/p/d water efficiency target particularly in larger strategic developments.

Policies to reduce water demand from new developments, or to go further and achieve water neutrality in certain areas, could be defined to reduce the potential environmental impact of additional water abstractions in West Berkshire, and also help to achieve reductions in carbon emissions.”

(The recommendation in the second sentence occurs in three places in the document, on pages 5, 21 and 87)

This recommendation should have been considered as part of the Strategic Environmental Assessment.

Policy DM7 in the draft Local Plan states:

“All new residential developments (including replacement dwellings) will meet the Building Regulation optional higher water efficiency standard of 110 litres per person per day, as set out in Building Regulations part G2.”

The assessment of this policy in the SA/SEA Environmental Report November 2022 states:

“This is a new policy proposed for inclusion in the LPR. A Water Cycle Study (WCS) was carried out in response to comments made by the Environment Agency during the Regulation 18 consultation. The policy reflects the findings of the WCS, which highlights West Berkshire as an area of serious water stress. **No other alternatives have been considered.** A summary of the SA/SEA of the policy wording is included in table x [sic] below.” *(our emphasis)*

The detailed assessment of Policy DM7 in Appendix 6 of the SA/SEA also makes no mention of the recommendation to consider going further than the 110l/p/d water efficiency target.

Therefore, the recommendation of JBA Consulting in the Water Cycle Study has not been properly considered.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

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).

West Berkshire Council should undertake a proper environmental assessment of the target for water usage efficiency. Depending on the conclusions of that assessment, it should reduce the water efficiency target in Policy DM7.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Housing allocation for North East Thatcham
Section/paragraph:	6.22, 6.61
Policy:	SP12, SP17
Appendix:	
Policies Map:	
Other:	Thatcham Strategic Growth Study Stage 3 West Berkshire Strategic Transport Model

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

The draft Local Plan was approved to move to Regulation 19 Consultation by a meeting of West Berkshire Council on 1st December 2022. This approval was given on the basis that the size of the development when complete would be approximately 1,500 dwelling. The Council's press release on this decision stated:

"Councillors allocated a new strategic development of 1,500 new homes in north-east Thatcham, a significant decrease from the 2,500 previously proposed."

"We have cut the proposals for any future development in north-east Thatcham by 1,000 homes, which is a big change." (*the full press release is copied below*)

The emerging draft Local Plan (December 2020) stated at paragraphs 6.12 and 6.13:

"This includes the strategic allocation at North West Thatcham for up to 2,500 homes where delivery of at least 1,250 dwellings is anticipated within the plan period."

The Local Plan Submission draft (January 2023) states in Policy SP17: "The site is to be allocated for approximately 1,500 dwellings which will be completed within the period of the plan.";

at paragraph 6.22: "additional housing supply on newly allocated sites ... includes the strategic allocation at North West Thatcham for up to 1,500 homes within the plan period.";

and at paragraph 6.61: "Delivery of approximately 1,500 dwellings is anticipated within the plan period."

Policy SP17 is silent on the possibility of additional dwellings following the plan period.

Policy SP17 also states: "The Thatcham Strategic Growth Study provides guiding principles for the delivery of the site therefore proposals will demonstrate that these guiding principles have been positively responded to."

The Thatcham Strategic Growth Study was prepared for a site allocation of 2,500 dwellings, and has not been updated following the decision. It could therefore be interpreted that one of the 'guiding principles' of the Growth Study is a final size for the development of 2,500 dwellings.

Even worse, an applicant for planning permission might 'cherry pick' a site allocation of up to 2,500 dwellings with the infrastructure provisions in Policy SP17 that are based on the needs of 1,500 dwellings.

The wording of Policy SP17 is therefore unclear and ambiguous on the expected final number of dwellings on the North East Thatcham site. It is therefore not evident how a decision maker (whether West Berkshire Council or the Planning Inspectorate in case of an appeal) would interpret the policy.

Paragraph 16 of the NPPF (July 2021) states that: "Plans should: d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals". Policy SP17 is therefore not in accordance with Paragraph 16 of NPPF, and is therefore not consistent with national policy.

Date: 02 December 2022

Council vote to progress submission of the Local Plan Review

Councillors voted last night to move the Local Plan Review submission to the next stage, ensuring that West Berkshire remains a 'Plan-led' authority. The Local Plan Review, a long-term strategic document used to set out the vision and framework for the area's future development, will become open for public consultation beginning 6 January 2023 for six weeks.

By 2039, the Local Plan Review will have provided approximately 9,000 much-needed new homes for our residents, ensuring a mix of new homes, including affordable homes, homes for growing families, first-time buyers and even downsizers. This includes infrastructure proposals to support new development as well as services to our existing communities.

The advancement of the Local Plan Review to the next stage is a significant step toward maintaining West Berkshire as a 'plan-led' authority where development and growth are managed and planned for. This means that the District's valuable assets will be both protected and enhanced, with growth allocated to the least sensitive areas.

Councillors wanted to make sure that the environment and the effects of climate change were prioritised by supporting ambitious standards for sustainability and environmental impact outlined in the Local Plan Review ahead of government targets.

Following extensive consultation with local stakeholders during the previous Regulation 18 consultation, major themes have been addressed and resolved. Councillors allocated a new strategic development of 1,500 new homes in north-east Thatcham, a significant decrease from the 2,500 previously proposed. Ensuring 600 of the 1,500 proposed homes for north-east Thatcham will be affordable.

The Plan is also business-friendly, with areas for existing West Berkshire businesses to expand and spaces to attract new businesses in to our District, creating new jobs and opportunities for all. The proposals prioritise the preservation of the District's valuable assets, such as the Area of Outstanding Natural Beauty (AONB) and important green spaces, as well as local flora and fauna.

As part of the vote, over 40 development management policies were also updated. These include minimum house sizes, maximum amount of water to be used in new dwellings as well as policies relating to health and well-being, and residential amenity.

The Local Plan Review is the conclusion of years of work (it began in November 2018), including extensive evidence gathering, thousands of hours of Officer time, consultation with the public, our neighbours, and land owners in the District, and regular cross-party meetings with Councillors who have shaped the Plan.

Councillor Richard Somner, (Executive Member for Planning, Transport & Countryside) said:

"This plan is a green plan, a business friendly plan, a housing plan for our children and future residents and a good plan for West Berkshire. I'm pleased that Councillors voted to send the Local Plan to Regulation 19 Consultation, which will start in January 2023.

"Tonight's debate showed how important this Local Plan is. It identifies where 9,000 new homes can be built by 2039, focuses on how development can help solve the climate crisis, and protects the district's most valuable assets.

"By moving the Local Plan to the next stage, Councillors also made sure that over 40 of our Development Policies, such as those about enforcement and environmental protection, have been updated and start to carry weight when we decide future planning applications. Without waiting for the examination process to be over.

"Officers will now prepare for the Local Plan to go out to public consultation in January 2023. Those wishing to comment on the Plan should wait until the consultation period opens. Further details to follow.

"We couldn't have gotten to this point without input from the community and other important people. We have cut the proposals for any future development in north-east Thatcham by 1,000 homes, which is a big change. We have been listening and will continue to do so."

ENDS

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

☐

No

☐

Please give reasons for your answer:

N/A

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).

To make this aspect of policy SP17 sound, it must be clarified that the 1,500 dwellings is the final number when development is completed, and not the number completed during the plan period.

Supporting evidence needs to be provided to justify this number.

NOTE: This comment is without prejudice to other representations by the Town Council on Policy SP17.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	The deliverability of SP17
Section/paragraph:	6.61
Policy:	SP17
Appendix:	
Policies Map:	
Other:	

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

☐

No

☐

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

The emerging draft Local Plan (December 2020) stated at paragraphs 6.12 and 6.13:

“... assuming that 1,000 homes are deliverable at Sandleford Park by 2037 (with the remaining 500 in the next plan period) ...”

“This includes the strategic allocation at North West Thatcham for up to 2,500 homes where delivery of at least 1,250 dwellings is anticipated within the plan period.” (*at that time, the expected plan period was 17 years from 2020 to 2037*)

The Local Plan Submission draft (January 2023) states at paragraph 6.22:

“additional housing supply on newly allocated sites ... includes the strategic allocation at North West Thatcham for up to 1,500 homes within the plan period.” (*at this time, the expected plan period is 17 years from 2022 to 2039*).

No justification is provided for the increase from 1,250 to 1,500 in the number of dwellings anticipated to be delivered during the 17 year plan period. The proposals for North East Thatcham are less well developed in 2023 than the proposals for Sandleford Park were in 2020, yet it was envisaged that only 1000 of the 1,500 dwellings at Sandleford Park could be delivered in the plan period.

Policy SP17 expects that numerous Charters, Strategies and Plans will need to be prepared – and approved by West Berkshire Council – before any development can commence. None of these were mentioned in the Regulation 18. The preparation of these documents will delay the start of delivery.

The constraints of water supply and treatment on the rate of housing delivery

The increase in the number of dwellings from 1,250 to 1,500 proposed for the 17 year plan period and the delay in the start of delivery will together increase the rate of increase in demand for water supply and water treatment, compared to SP17 at Regulation 18. In its response to that consultation, Thames water said that “the scale of development/s in this catchment is likely to require upgrades of both the water supply network and water treatment works”.

The West Berkshire Water Cycle Study – Phase 2 recommended that West Berkshire Council “Consider the need for additional water supply infrastructure when selecting sites for allocation in the Local Plan Review” and “consider the available Waste water Treatment Works (WwTW) capacity when phasing development going to the same WwTW. Otherwise, the rate of housing delivery might be constrained by the delivery of essential network and treatment upgrades.

Paragraph 5.38 of the Duty to Cooperate Statement (January 2023) is only a very superficial comment that does not provide any reassurance that this issue is being addressed.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

☐

No

☐

Please give reasons for your answer:

N/A

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).

West Berkshire Council either needs to provide evidence of the deliverability of 1,500 dwellings at North East Thatcham in the plan period, or to reduce this housing allocation to what is deliverable (the assessment in the HELAA relied on the opinion of the site promoter).

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Ambiguous use of the word “will” throughout the draft Local Plan, but particularly in policy SP17, and other ambiguities
Section/paragraph:	All parts of SP17
Policy:	SP17
Appendix:	
Policies Map:	
Other:	

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

☐

No

☐

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

Paragraph 16 of the NPPF (July 2021) states that: “Plans should: d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”.

The word “will” has many different meanings when it forms part of a modal verb, including:

- (i) To issue commands, to express intention or determination;
- (ii) To make requests, or invite;
- (iii) To wish, desire or want.

Within the draft Local Plan, the word “will” is used with all three meanings. In some cases, the intended meaning is clear, but in many places it is not. This leads to considerable ambiguity, and the risk that the policy could be interpreted in the future in ways that are contrary to what is currently intended, or that the policy could be challenged through planning appeal.

This ambiguity exists throughout the draft Local Plan, but the concern of Thatcham Town Council is focussed on policy SP17.

The Policy refers to the “Thatcham Strategic Growth Study provides guiding principles for the delivery of the site”. This study has three reports: Thatcham Past, Thatcham Present and Thatcham Future. Presumably, only the last of these is relevant to Policy SP17, so this should be clarified.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

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).

It is necessary to replace the word “will”, where the intended meaning is a commitment or obligation. The two possibilities are “must” or “shall”.

We prefer the use of “must”, as recommended in ‘The Office of Parliamentary Counsel: Drafting Guidance’; June 2020.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/892409/OPC_drafting_guidance_June_2020-1.pdf (retrieved 12/02/2023)

Policy SP17

North East Thatcham Strategic Site Allocation

Land as shown on the Policies Map is allocated for a sustainable low carbon, urban extension comprising of distinct neighbourhoods defined by their landscape and connected and contributing to Thatcham, and woven through with natural habitats and links. The site must ~~will~~ be masterplanned and delivered as a whole to achieve a comprehensive development. The provision of all infrastructure, services, open space and facilities must ~~will~~ be timely and co-ordinated. The Thatcham Strategic Growth Study Stage 3 Report Thatcham Future provides guiding principles for the delivery of the site therefore proposals must ~~will~~ demonstrate that these guiding principles have been positively responded to.

[NOTE: we are unclear how “positively responded to” would be interpreted in planning policy terms, especially as the Thatcham Strategic Growth Study was for 2500 houses]

Homes

The site is to be allocated for approximately 1,500 dwellings which are expected to ~~will~~ be completed within the period of the plan. These dwellings must ~~will~~ comprise of a housing mix which complies with the housing mix contained in Table 3 of Policy SP18. In addition at least:

- 40% of dwellings must ~~will~~ be affordable housing; and
- 3% of dwellings must ~~will~~ be delivered via serviced custom/self-build plots.

Community

The site must ~~will~~ provide:

- Local centres providing local retail facilities and small-scale employment for community use (approximately 1,100 sq. metres Class E and F2);
- 450 sq. metres GP Surgery to be offered to the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board or other such appropriate body;
- Early years provision;
- A 2.5 FE primary school on site and sports infrastructure requirements of the school, land to be provided and build costs to be met by the applicant;
- Secondary provision - Land to meet the impact of the development. The nature and cost of the mitigation must ~~will~~ be informed by a feasibility study, undertaken at the applicants expense and prepared in collaboration with the Council and local stakeholders;
- 1,200 sq m community indoor facility to be used for sport and community uses with a variety of room sizes (currently use classes E and F);
- Outdoor formal and informal sports pitches and areas to meet the identified need of the development;
- Open space to meet the needs of the development in accordance with Policy DM41;

Green Infrastructure

The site must ~~will~~ provide a comprehensive green infrastructure network which will take advantage of the landscape features of value within and around the site. This network will comprise:

- A new community park linking Thatcham to the North Wessex Downs AONB;
- Greenways which connect through the site to the park, facilitate connection to the AONB, and include leisure routes accessible to all users;
- A comprehensive network of other accessible routes and connections within the development which provide walking and cycling links along desire lines;
- Existing and new Public Rights of Way; and
- Retained and new trees, hedgerows and other appropriate native planting which contribute to biodiversity net gain.

Transport

Measures must ~~will~~ be included to improve accessibility by, and encourage use of, non-motorised transport modes. A Transport Strategy must ~~will~~ provide detail on how this will be achieved, including:

- Active travel improvements on routes between the site, Thatcham town centre and the railway station;
- A vehicular through route;
- Sustainable transport through routes;
- Mitigation of the development's impacts on the highways network with improvements to existing junctions where they are needed and delivery of new access points for all forms of movement and transport to the site at locations to be agreed with the planning authority; and
- How adverse impacts on air quality will be minimised.

Sustainability

Development of the site ~~must will~~ be in accordance with ~~supported by~~ a Sustainability Charter which will establish how policy requirements will be achieved. This will be informed by:

- An Energy Strategy which must sets out measures to achieve a model low carbon development (following the energy hierarchy) in accordance with Policies SP5 and DM4, including:
 - net zero carbon (regulated and unregulated energy) emissions for dwellings;
 - BREEAM 'excellent' non residential buildings;
 - on-site renewable energy to assist in the delivery of a net zero carbon neutral development; and
 - carbon off-setting.
- An Integrated Water Supply and Drainage Strategy which must will set out:
 - measures to ensure the provision of adequate and appropriate infrastructure for water supply and waste water, both on and off site; and
 - surface water management approaches that could deliver net gain for Thatcham town, including use of on-site sustainable drainage systems (SuDS).
- An Ecology Strategy which must will set out:
 - a Biodiversity Net Gain Strategy to show how net gain will be achieved including through habitat restoration and linkages;
 - how priority habitats and ecological features will be protected and enhanced;
 - the creation of new ecological features; and
 - a site-wide management plan.
- A Green Infrastructure Strategy which must will show how a network of multifunctional green infrastructure will be delivered across the site.
- A Public Rights of Way Strategy which must ~~to~~ demonstrate how existing Public Rights of Way will be protected and enhanced and how new ones will be established, including bridleway links and safe crossing points.
- A Lighting Strategy which must will include consideration of dark skies, particularly in relation to the nearby North Wessex Downs AONB, and measures to mitigate the impact on biodiversity.
- A Landscape and Visual Impact Assessment (LVIA) in accordance with the Landscape Institute Guidelines for Landscape and Visual Impact Assessment 3rd ed. 2013. This will inform the final capacity, development, design and layout of the site and requirements for green infrastructure and the provision of public open space. The LVIA will be informed by the Landscape Sensitivity Assessment (2021) of the site.
- A Mineral Resource Assessment (MRA).
- A Historic Environment Strategy which must ~~to~~ demonstrate how the listed buildings in the area will be conserved and how the impact of the development on their settings has been considered.

A Construction and Operations Management Plan (COMP) shall accompany any planning application on the site. The COMP shall safeguard the oil pipeline from operational works, including the provision of an appropriate buffer.

[NOTE: This final paragraph should not be a sub-bullet of Sustainability]

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Status of the Thatcham Strategic Growth Study
Section/paragraph:	6.54, 6.63
Policy:	SP17, first paragraph
Appendix:	
Policies Map:	
Other:	Statement of Community Involvement Thatcham Strategic Growth Study

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

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No

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Please give reasons for your answer:

Policy SP17 states:

“The Thatcham Strategic Growth Study provides guiding principles for the delivery of the site therefore proposals will demonstrate that these guiding principles have been positively responded to.”

As discussed in another representation by Thatcham Town Council, the word “will” has many different meanings, and this sentence is completely ambiguous. The sentence only carries any weight if it is intended as a requirement – if it is merely an aspiration, it has no place in a strategic policy. Therefore, the word ‘will’ in this sentence **MUST** be replaced by “must”.

This sentence therefore means that the Thatcham Strategic Growth Study is incorporated by reference into Policy SP17. However, West Berkshire Council states:

“The Thatcham Strategic Growth Study (TSGS) is a consultant’s report commissioned by the Council. The Council has commissioned consultants to provide evidence in relation to various issues that relate to the local plan and all of these can be viewed on the Council’s website.”

It is therefore neither a development plan document nor a supplementary planning document. It was not formally part of the Regulation 18 consultation, and only forms part of the supporting evidence to the Regulation 19 Consultation. It has not been approved by any meeting of West Berkshire Council nor, as far as we are aware, through delegated authority. This is demonstrated by the saved web pages for the Regulation 18 consultation, which are provided Attachments 1 and 2 to the Town Council’s representations.

The Thatcham Strategic Growth Study is an integral part of the draft Local Plan through incorporation by reference in Policy SP17, but and is not formally part of the Regulation 19 consultation. Policy SP17 therefore is not legally compliant with the requirements of Regulations 18 and 19 of ‘The Town and Country Planning (Local Planning) (England) Regulations 2012’. It therefore also does not comply with the Statement of Community Involvement.

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

Paragraph 16 of the NPPF (July 2021) states that: "Plans should: d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals".

Policy SP17 states:

"The Thatcham Strategic Growth Study provides guiding principles for the delivery of the site therefore proposals will be required to demonstrate that these guiding principles have been positively responded to."

This sentence is totally unclear and ambiguous, for three reasons:

- (i) There is no section of Thatcham Strategic Growth Study titled "Guiding Principles", and no section that could reasonably be identified as containing them. This study is effectively the set of ideas by one consultancy about one possible configuration for a development at North East Thatcham.
- (ii) The Study was based on a development of 2500 dwellings, and it is totally unclear how it might be applied to a development of 1500 dwellings – which aspects would be different and which would be unchanged.
- (iii) The phrase "positively responded to" is completely meaningless in planning terms.

As a result of this lack of clarity and ambiguities, a developer could claim that almost any proposed development meets the requirements of this sentence in Policy SP17.

Paragraph 6.63 of the supporting text to the policy contradicts paragraph 6.54:

"6.54 In reviewing the vision for Thatcham as part of the LPR, and to best understand how to plan for growth in Thatcham within the plan period, the Council commissioned masterplanning work (Thatcham Strategic Growth Study (TSGS) 2020)."

"6.63 Further detailed work will be required to develop a coherent masterplan or development framework to take the development forward, which will be produced in collaboration with the community and other stakeholders".

It therefore appears that West Berkshire Council believes that the Thatcham Strategic Growth Study is not coherent, and is inadequate to take the development forward. It is therefore unsound, because it does not comply with paragraph 16 of the NPPF.

Paragraph 1.10 of the Thatcham Strategic Growth Study Stage 3 report mis-represents the involvement of Thatcham Town Council in the "community representatives' workshop". A limited number of places in this workshop were offered to the Town Council, with no advance information of

its purpose or participatory nature. Under the legislation governing Town and Parish Councils, individual Councillors can only 'represent' the Council if specifically mandated by a Committee (there is no equivalent to the scheme of delegation for Principal Authorities). Therefore, the Councillors who attended the workshop were participating in an individual (albeit informed) capacity. The Councillors who attended did not agree with some of the assumptions specified for the 'interactive masterplanning session'. The Town Council has requested that this be corrected, but this has not been done.

Paragraph 6.59 of the draft Local Plan is therefore also misleading to claim that "community objectives which emerged during a community stakeholder workshop".

The Town Council's representations to the Regulation 18 Consultation highlighted a number of errors and misleading statements in the Thatcham Strategic Growth Study – for example the incorrect assertion that "enhancement of a 3G pitch at Henwick Worthy would contribute approximately an additional 1ha of sports pitches towards the NE Thatcham total". In fact, the Henwick Worthy site is already fully utilised, and any 3G pitch would replace an existing grass one.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

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).

As proposed in another representation by Thatcham Town Council, the word "will" in the first paragraph of Policy SP17 **MUST** be replaced by "must".

"The Thatcham Strategic Growth Study provides guiding principles for the delivery of the site therefore proposals ~~will~~ must demonstrate that these guiding principles have been positively responded to."

In order to make the Local Plan review legally compliant, the Thatcham Strategic Growth Study needs to be reviewed for a development of 1500 dwellings, and the resulting 'guiding principles' then need to be incorporated into the draft Local Plan or a supplementary planning document. This then needs to undergo public consultation in accordance with the Statement of Community Involvement.

This cannot be achieved through modification at examination.

It is clear that the Local Plan is therefore "not ready for independent examination". Therefore, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004, West Berkshire Council must not submit it to the Secretary of State for examination.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Landscape Capacity Assessment
Section/paragraph:	
Policy:	SP17
Appendix:	
Policies Map:	
Other:	

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

The evidence base for this Regulation 19 consultation includes a total of 33 Landscape Capacity Assessments prepared between 2020 and 2022. 32 of these reports were prepared by Liz Allen EPLA on behalf of West Berkshire Council. The exception is the 'Landscape Sensitivity & Capacity Assessment for Land North East of Thatcham', which was undertaken on behalf of David Lock Associates by Lloyd Bore Ltd (paragraph 2.1).

The report states that David Lock Associates are "planning consultants appointed to West Berkshire Council". This is correct, because they undertook the Thatcham Strategic Growth Study for the Council. However, it DOES NOT say that West Berkshire Council commissioned or funded the Landscape Capacity Assessment, and we have reason to believe that it did neither.

Paragraph 2.12 of the report includes a curious statement:

"The project brief requires the visual sensitivity of the study site to be considered as a single tract of landscape, and for the site not to be broken down into individual parcels of land."

It is difficult to understand why this should be an explicit requirement of the study.

David Lock Associates has a potential conflict of interest in relation to this study; it had already pre-determined its view on the capacity of this site through undertaking the Thatcham Strategic Growth Study for 2,500 dwellings, which was funded by the proponents of the site. Requiring the Landscape Capacity Assessment not to be broken down into individual parcels of land masks the proportion of the site that is suitable for development, and therefore its capacity.

Paragraph 1.12 of the report in the section 'Determination of Landscape Capacity within the Site' states:

"Because the project brief requires the sensitivity of the study site to be assessed as a single tract of landscape, rather than broken down into sub-components, no attempt has been made to plot variability of landscape capacity within the study site boundary, although it is clear that variability is present and is a constraint that should inform design. It will be down to individual applicants to assess the capacity of individual components of the site in relation to individual planning proposals, should the land be brought forward for development."

The statement in the second sentence is true for West Berkshire Council as well as applicants.

The conclusion of the report, given in paragraph 1.7, is:

"Having followed the template methodology, and made judgements concerning landscape and visual sensitivity, wider landscape sensitivity and landscape value, this exercise has concluded that overall the study site THA20 has a Medium Capacity. This is defined in the methodology as follows: 'The landscape could accommodate areas of new development in some parts, providing it has regard to the setting and form of existing settlement and the character and sensitivity of adjacent landscape character areas. There are landscape and visual constraints and therefore the key landscape and visual characteristics must be retained and enhanced.'"

This is obviously inadequate to assess whether the site does indeed have a capacity of 1,500 dwellings, or how they can be distributed across the site.

West Berkshire Council has commissioned studies of landscape capacity for a substantial part of this site in relation to a planning appeal for a previous application for Siege Cross. The summary of Statement of Case of West Berkshire Council's expert witness on landscape highlights the challenges and constraints of development of this site, and is provided as Attachment 3.

This document is available online at:

<http://planning.westberks.gov.uk/rpp/showimage.asp?j=15/00296/OUTMAJ&index=1175645>

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

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No

☐

Please give reasons for your answer:

N/A

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).

West Berkshire Council needs to commission a Landscape Sensitivity and Capacity Assessment that provides enough information about variability of landscape capacity across the site and its sub-components to inform a Landscape and Visual Impact Assessment (LVIA) for the site and to assess its total capacity.

The wording of Policy SP17 needs to be amended as follows:

The LVIA will be informed by a Landscape Sensitivity and Capacity Assessment that considers variability of landscape capacity across the site ~~the Landscape Sensitivity Assessment (2021) of the site.~~

(added text is underlined; deleted text is struck through)

Until there has been a quantitative Landscape Capacity Assessment for the site, Policy SP17 should not specify a number of dwellings.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Deficit of Social Infrastructure for Thatcham
Section/paragraph:	6.52 and 6.53
Policy:	SP17
Appendix:	
Policies Map:	
Other:	Sustainability Appraisal Appendix 5

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

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No

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Please give reasons for your answer:

The regeneration of Thatcham Town Centre and the provision of social infrastructure in the town are recognised as important in policy SP17 – i.e. their economic and social impacts are greater than the criterion of ‘significant’ in the Government Guidance “Strategic environmental assessment and sustainability appraisal”. These should therefore have been considered specifically in the Sustainability Appraisal.

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

The current Local Plan states in the introduction to Policy Area Delivery Plan Policy 3:

“Thatcham town centre will be a focus for regeneration, enabling the town to fulfil its role within the District’s Hierarchy of Centres by improving the retail offer and enhancing the streetscape. The provision of leisure and community facilities for all ages will be improved and encouraged within the town centre.”

The policy itself includes the following objectives:

- Thatcham’s services and facilities will be improved allowing the town to fulfil its role within the District Settlement Hierarchy and the Hierarchy of Centres, serving the local population, not only within Thatcham, but also the surrounding rural areas.
- The town centre will be regenerated with the redevelopment of the Kingsland Centre driving this improvement, providing an attractive shopping environment and enhanced retail offer. This redevelopment is proposed to deliver approximately 17,200 sq.m of new floorspace in a mix of uses including, among others, retail, residential, office and community space.
- The streetscape and public realm throughout the town will be improved, along with upgrades to the A4/Bath Road corridor, all of which are vital to enhancing Thatcham’s image.
- The range of leisure facilities within Thatcham will be expanded, utilising those at the existing Newbury Leisure Park on Lower Way, and optimising opportunities for leisure within the town centre through any future regeneration projects.

The Infrastructure Delivery Schedule (2013) includes the following:

- A new library is ‘necessary’ as ‘Library needs to be about 900 sq.m larger than current provision’, at a cost of £3,700,000.

However, none of this regeneration has materialised, no new developments have materialised, and the Newbury Leisure Park has closed.

Area Delivery Plan Policy 3 from the current Local Plan is provided as Attachment 4 to these representations.

The draft Local Plan states:

6.52 Thatcham has experienced rapid population growth during the post-war period, expanding more than 5 times since 1951. This growth has been accompanied by infrastructure growth in transport, and a considerable expansion in the built-up area to match the population growth. **However, in recent decades, the provision of social infrastructure has not kept pace with housing growth.**

6.53 The vision for Thatcham contained in the Core Strategy DPD (2012) was that Thatcham town centre would be a focus for regeneration, **enabling the town to fulfil its role within the District’s Hierarchy of Centres by improving the retail offer and enhancing the streetscape.** The provision of leisure and community facilities for all ages would be improved and encouraged within the town centre. The town would become more self-contained providing a range of job opportunities and encouraging residents to shop and socialise locally.

In the January 2023 Infrastructure Delivery Plan, the new library has been replaced by ‘A new library / community hub building in Thatcham £1.2M’, with no indication on when this might materialise. The only other significant proposed infrastructure developments for Thatcham are related specifically to the North East Thatcham development.

During the current plan period, the town will have grown by several hundred dwellings due to non-strategic development. However, none of the ‘focus of regeneration’ has materialised, and if anything has degenerated – the Kingsland Centre has not been redeveloped, the Newbury Leisure Park has closed, and the library might benefit from a disabled toilet. There have been no other significant compensating enhancements.

The premise of Policy SP17 that Thatcham is able ‘to fulfil its role within the District’s Hierarchy of Centres’ is fundamentally flawed.

Policy SP17 and its assessment in Appendix 4 of the Sustainability Appraisal either incorrectly assess or ignore the current level of provision of social infrastructure in Thatcham, and therefore cannot have assessed ‘the area’s objectively assessed need’. Policy SP17 is therefore not Positively

Prepared. Policy SP17 also cannot be based on proportionate evidence, and is therefore not Justified.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

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No

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Please give reasons for your answer:

N/A

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).

There needs to be a clear policy for the regeneration of Thatcham, and in particular its social infrastructure. This needs to include a schedule of what must be completed in advance of any further housing development or at specified stages of construction. This could be either a distinct part of Policy SP17 or a separate policy.

The Infrastructure Delivery Plan is not sufficiently robust for this purpose. It is described as a 'living document', and therefore any proposed infrastructure that it includes can 'die' at the discretion of the Council without any need for public consultation.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Provision for secondary education is not viable
Section/paragraph:	
Policy:	SP 17
Appendix:	
Policies Map:	
Other:	Sustainability appraisal Infrastructure Delivery Plan (January 2023)

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

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No

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Please give reasons for your answer:

The viability of the provision of Secondary Education should have been considered as part of the Sustainability Appraisal for Policy SP17.

Education and skills is identified in the Sustainability Appraisal as a 'Key sustainability issue' under the social category. The single sentence in Appendix 5 is clearly not an adequate assessment, and appears to have been written without any consideration of the specific proposals within Policy SP17:

"The policy is likely to have a positive impact on accessibility community services and facilities, including education provision, health care provision and other services/facilities".

The Sustainability Appraisal is clearly not legally compliant, because it does not appraise for Policy SP17 what has been identified as a key issue for sustainability.

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓
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Please give reasons for your answer:

Policy SP17 in the Regulation 18 emerging draft Local Plan (2020) stated:

“Development of the site will be expected to deliver: A new secondary school (8FE) and the sports infrastructure requirements of that school.”

However, in Policy SP17 of the Regulation 19 consultation, this has been reduced to:

“The site will provide: Secondary provision - Land to meet the impact of the development. The nature and cost of the mitigation will be informed by a feasibility study, undertaken at the applicants expense and prepared in collaboration with the Council and local stakeholders;”

The Thatcham Strategic Growth Study states:

“Although the development would only generate sufficient pupils for a 4FE secondary school, any development in Thatcham requires provision of more secondary capacity. When secondary education is looked at in the context of Newbury and Thatcham catchments and growth combined, a 6-8FE secondary is likely to be necessary. Planned strategic development at this scale is the only approach that is likely to deliver an additional secondary school for the town, without which any growth would cause issues in provision.”

If a development of 2,500 dwellings would ‘generate’ sufficient pupils for a 4FE secondary school, then a development of 1,500 dwellings would only generate sufficient pupils for 2.5FE. Therefore the statement in the Regulation 19 Policy SP17 is equivalent to providing land sufficient for a 2.5FE Secondary School. This is below the minimum viable size for a Secondary School.

The West Berkshire Council School Places Plan 2010 states (paragraph 1.24):

“In respect of major new housing developments and where the indicated pupil numbers warrant, the Council’s policy is that: where developments are large enough to yield viable secondary school, a six form entry secondary school will be considered as a minimum requirement, where this will not create surplus places”

This is provided as Attachment 5, and is available online at: (retrieved 20/02/2022)

The Department for Education’s ‘A guide to new mainstream free school revenue funding 2022 to 2023 (June 2022)’ states (page 5):

“The department will need assurance that free schools are on-course to be financially viable on opening. In order to provide a sustainable, broad and balanced curriculum, there is a presumption that ... secondary provision (years 7 to 11) have a minimum of 4 forms of entry of 30 pupils (total of 120). Financial plans are not expected to be based on fewer pupil numbers unless otherwise agreed with the department.”

This is provided as Attachment 6, and is available online at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1081008/A_guide_to_new_mainstream_free_school_revenue_funding_2022_to_2023.pdf

The provision in SP17 for “Secondary provision - Land to meet the impact of the development” cannot lead to the implementation of a viable secondary school. It is inconsistent with West Berkshire Council’s own policy for secondary education, and would not receive funding from Government.

The Town Council notes Policy SP17 also states that “proposals will demonstrate that these guiding principles [of the Strategic Growth Study] have been positively responded to, and that this states that “a 6-8FE secondary is likely to be necessary”. The two provisions of Policy SP17 are therefore contradictory.

Thatcham is served by two secondary schools: Kennet School for the east of the town and Trinity School in Newbury for the west of the town. We understand that both schools are currently at full capacity, and Trinity School may in addition need to accept pupils from the North Newbury development that is currently under construction. The site of Kennet School is constrained, and incapable of expansion. There is no capacity in these schools to serve the expected number of secondary pupils of the proposed development.

The Strategic Growth Study estimated the provision of a secondary school would cost £26.4 million, which forms part of the £48,187,805.00 provision in the Infrastructure Delivery Plan of October 2021 for secondary education places (including both NE Thatcham and Sandford Park). However, the Infrastructure Delivery Plan of January 2023 only has a figure of £5,027,613. This cannot be the cost of a new secondary school, but might relate to the cost of provision for secondary pupils from non-strategic sites. The Infrastructure Delivery Plan is therefore inconsistent with Policy SP17, and the policy is silent on how the building costs for a secondary school would be funded.

Policy SP17 therefore does not meet the requirements of Paragraph 95 of NPPF.

Policy SP17 is therefore completely unsound in relation to provision of secondary education.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

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).

It is clear that the SP17 development will not create a sufficient number of secondary pupils to support a viable secondary school solely for the development. West Berkshire Council therefore needs to review the provision of secondary education in the light of developments currently under construction in the Newbury and Thatcham area and those proposed in the draft Local Plan. A key element of this review must include consultation with the Academy Trusts for the two local secondary schools.

The Department for Education has published guidance on “Securing developer contributions for education (November 2019)”, which provides helpful advice on ‘Safeguarding land for schools’. Paragraph 23 is especially relevant to the development of a Local Plan:

“You may wish to safeguard additional land when new schools within development sites are being planned, to allow for anticipated future expansion or the reconfiguration of schools to create a single site. ‘Future-proofing’ can sometimes be achieved informally through a site layout that places open space adjacent to a school site. Where there is a forecast need for new school places that is not linked exclusively to a particular development, the development plan can allocate specific areas of land for new schools or school expansion, and safeguard specific parcels of land within wider development sites for education use. Safeguarded land within larger site allocations can be made available for purchase by the local authority within an agreed timescale, after which the land may be developed for other uses.”

This could be achieved through the addition to the Policies Map of a specific category of “Land Safeguarded for Education”, which reserves sufficient area for a viable secondary school. As the catchment area of this school is likely to include parts of Thatcham, and possibly Bucklebury and Cold Ash, the optimum location for this is likely to be at the western end of the development.

This guidance is provided as Attachment 7, and is available online at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/909908/Developer_Contributions_Guidance_update_Nov2019.pdf

To make the Local Plan Review sound, it must include the provisions for a viable secondary school. The specific nature of these provisions will depend on the outcome of the review called for above, which forms part of the required scope of the Sustainability Appraisal.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Primary healthcare provision is not viable
Section/paragraph:	1.22
Policy:	SP17
Appendix:	
Policies Map:	
Other:	Duty to Cooperate Statement

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

☐

No

☒

Please give reasons for your answer:

The viability of the proposed GP surgery should have been considered as part of the Sustainability Appraisal for Policy SP17.

Healthcare is identified in the Sustainability Appraisal as a 'Key sustainability issue' under the social category. The single sentence in Appendix 5 is clearly not an adequate assessment, and appears to have been written without any consideration of the specific proposals within Policy SP17:

"The policy is likely to have a positive impact on accessibility community services and facilities, including education provision, health care provision and other services/facilities".

The Sustainability Appraisal is clearly not legally compliant, because it does not appraise for Policy SP17 what has been identified as a key issue for sustainability.

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓
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Please give reasons for your answer:

Thatcham Town Council questions whether the '450 sq. metres GP Surgery' proposed for North East Thatcham in Policy SP17 is large enough to be viable, given the increasing range of NHS healthcare services being provided through primary care.

We are concerned that the Duty to Cooperate Statement makes no mention of any discussions between West Berkshire Council and the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board, or its predecessor the West Berkshire Clinical Commissioning Group, given that SP17 says that it will be offered to it.

We understand that that a facility of this nature requires the preparation of a Health Impact Assessment (HIA) in accordance with the current guidance from Public Health England. While this assessment may not be a requirement at this stage, it would be prudent for West Berkshire Council to make such an assessment before specifying the size of a surgery in the draft Local Plan. If it transpires that 450 sq.metres is sub-scale, there is a risk either that it will be built but never adopted by a GP practice, or that a developer will decline to build the larger facility that is necessary.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

☐

No

✓

Please give reasons for your answer:

Section 33A of the Planning and Compulsory Purchase Act 2004 states:

Duty to co-operate in relation to planning of sustainable development

(1) Each person who is—

(a) a local planning authority,

(c) a body, or other person, that is prescribed or of a prescribed description,

must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising the effectiveness with which activities within subsection (3) are undertaken.

(2) In particular, the duty imposed on a person by subsection (1) requires the person—

(a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and

(b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).

and Paragraph 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012 states:

Duty to co-operate

4. (1) The bodies prescribed for the purposes of section 33A(1)(c) of the Act are —

(g) each Primary Care Trust established under section 18 of the National Health Service Act 2006 or continued in existence by virtue of that section;

Primary Care Trusts were replaced in 2013 by Clinical Commissioning Groups, and these were replaced on 1st July 2022 by Integrated Care Systems – in this case, the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board.

Paragraphs 4.30 and 4.32 of the 'West of Berkshire Area Statement of Common Ground for Local Plan-Making (August 2021)', which is part of the 'Duty to Cooperate Statement January 2023'

identify primary health care as falling within the Duty to Cooperate.

Paragraphs 5.31 to 5.34 of the Duty to Cooperate Statement address Health. However, they only discuss health and wellbeing in the community in general terms, in relation to draft Local Plan policy DM3.

There is no mention in the Duty to Cooperate Statement of primary healthcare. In particular, there is no mention of cooperation with the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board in relation to the proposal for a 450 sq. metres GP Surgery that would be offered to it.

The Council has therefore failed to comply with its legal duty to cooperate with the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board, or its predecessor the West Berkshire Clinical Commissioning Group.

This proposed surgery is not mentioned in the Infrastructure Delivery Plan (January 2023).

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).

The draft Local Plan cannot be adopted until West Berkshire Council has received confirmation from the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board that the proposed GP Surgery meets its requirements.

If the Local Plan is submitted for examination before that has happened, it would need to be rejected through non-compliance with the Duty to Cooperate.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Separation of Settlements around Newbury and Thatcham
Section/paragraph:	9.13
Policy:	DM2
Appendix:	
Policies Map:	
Other:	Appropriate Countryside Designation Study

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

☐

No

☐

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

Thatcham Town Council welcomes and supports Policy DM2 Separation of Settlements around Newbury and Thatcham, and believes that it is generally sound. In particular, it supports the inclusion of the following separations between settlements in the Policy:
c. Land between Newbury and Thatcham

d. Land between Thatcham and Cold Ash

e. Land between Thatcham and Ashmore Green

(Thatcham Town Council does not have a view on items a. and b. which relate to Newbury)

However, the Town Council believes that the omission of 'land between Thatcham and Bucklebury' from this Policy is inconsistent with the evidence. This specific aspect of the Policy is not based on proportionate evidence, and is therefore unsound.

The gaps that are defined in Policy DM2 are based on the Appropriate Countryside Designation Study (Arup, 21 November 2022), and particularly on the analysis in Appendix C – Parcel Proformas, which is summarised in Section 7 of the report.

In this analysis, the 'Land between Thatcham and Bucklebury' (parcel 6 in the study) 'Land between Thatcham and Cold Ash' (parcel 7 in the study) are given identical scores in the Green Belt Assessment. However the assessment summaries for the two sites are diametrically opposed:

For 'Land between Thatcham and Cold Ash' and 'Land between Thatcham and Ashmore Green':

"The land between Thatcham and Cold Ash and Thatcham and Ashmore Green (as shown on the map below) are essential gaps and on this basis are recommended for potential Green Gap designation."

For 'Land between Thatcham and Bucklebury':

"As existing, this parcel provides a 'wider gap' between Thatcham and Upper Bucklebury where there may be scope for development but where the overall openness and the scale of the gap is important to restricting merging.

The proposed North East Thatcham strategic allocation is, however, included in this parcel. As noted in Chapter 4 the issue of the allocations proposed in the Emerging LPR is assumed to be potentially open. Given that a masterplan has yet to be produced for the North East Thatcham site which would identify which areas of it would be proposed as green infrastructure/green space, it is not possible to provide a further assessment of the gap at this time."

The specification for the Appropriate Countryside Designation Study (which forms part of the tender documentation for this project) included the following considerations (these are copied in full below):

- The successful candidate will be expected to propose strategic designations and policy suggestions that ... anticipate changing circumstances over a long term period.
- The work should support other relevant policies contained in the LPR.
- High level masterplanning work for the North East Thatcham site (the Thatcham Strategic Growth Study) has already been produced and this can contribute to this work.

Therefore, the results of the study for 'Land between Thatcham and Bucklebury' were pre-determined by the 'considerations' for the study. The conclusions of the Appropriate Countryside Designation Study that led to the omission of the gap between Thatcham and Bucklebury from Policy DM2 are not based on proportionate evidence in the study. The description of the exclusion of this gap from Policy DM2 that is described in paragraph 9.13 is therefore unsound.

West Berkshire Green Wedge, Gap or Belt Study between Newbury and Thatcham

Considerations

- 4.1 The successful candidate will be expected to propose strategic designations and policy suggestions that are strong and defensible at appeal while also being effective in their use and implementation and should anticipate changing circumstances over a long term period. The work should support other relevant policies contained in the LPR.
- 4.2 High level masterplanning work for the North East Thatcham site (the Thatcham Strategic Growth Study) has already been produced and this can contribute to this work. In addition a Landscape Sensitivity and Capacity Assessment has been undertaken for this site. This has not been published online, but can be made available to the successful tender.
- 4.3 There is also vision for Thatcham which will build on this work and will set out the strategic direction of development in the town over the next 30 years versus the more local vision for the

town, although it is not complete yet.

4.4 While town centre visioning work has been done for Newbury and can be taken into account, equivalent work to the Thatcham Strategic Growth Study does not exist. The visioning work (being undertaken by Iceni) for Newbury will again set out the strategic direction of development over the next 30 years versus the more local vision for the town, but is not complete yet.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

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).

The following text should be added to policy DM2:

“f. Land between Thatcham and Bucklebury.”

The resulting consequential changes then need to be made to Policy SP17.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	
Section/paragraph:	7.55
Policy:	Policy SP24: Infrastructure Requirements and Delivery
Appendix:	
Policies Map:	
Other:	Infrastructure Delivery Plan

2. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

☐

No

☐

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

The Infrastructure Delivery Plan (IDP) is fundamental to the successful delivery of the objectives of the Local Plan – in particular ensuring that provision of infrastructure is aligned with growth in housing. In the Local Plan, the IDP is defined in Policy SP24.

Other representations by the Town Council have highlighted that some key items of infrastructure required for the North East Thatcham development in SP17 are missing from the IDP update of January 2023. Major current infrastructure projects such as the redevelopment of the Newbury Lido are also missing, while some of the items in the IDP are not infrastructure projects at all - for example, the last two items on 'Woodlands and Hedgerows' and 'Rights of Way and Bridleways', which appear to be part of a CIL charging schedule.

The first 57 out of the 69 pages of the January 2023 IDP are completely superfluous to its purpose as described in paragraph 7.55 of the draft Local Plan – and most if that is cut-and-paste from the local plan.

Paragraph 11 of NPPF states: "Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that all plans should promote a sustainable pattern of development that seeks to ... align growth and infrastructure..."

It is clear that the current Policy SP24 does not achieve the alignment of growth and infrastructure, because essential items of infrastructure in strategic policies for housing are not included in the IDP for the Regulation 19 Consultation.

Paragraph 20 of NPPF states: Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for ... infrastructure for transport, telecommunications, security, waste management, water supply, wastewater [and] flood risk; community facilities (such as health, education and cultural infrastructure);

Strategic Policy SP24 aims to deliver the sufficient provision of infrastructure through the IDP, but clearly does not at present achieve this.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

☐

No

☐

Please give reasons for your answer:

N/A

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).

Policy SP24 should define the responsibility within the Council for the maintenance of the IDP (including ensuring that it stays aligned with the pace of housing development) and the frequency with which it is reviewed.

We suggest that the IDP would be easier to maintain and update if it is a spreadsheet (as is recommended by the Local Government Association and implemented by many Local Authorities). This would inherently remove the superfluous introduction.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	The Duty to Cooperate Statement is described as interim
Section/paragraph:	
Policy:	
Appendix:	
Policies Map:	
Other:	Duty to Cooperate Statement (January 2023)

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

☐

No

☒

Please give reasons for your answer:

We were surprised to find that the Duty Cooperate Statement for the Regulation 19 consultation has the filename 'LPR_Interim_DtC_Statement_(January_2023).pdf'. Several places in the document suggest the intention to modify before submission for examination, for example:

5.29 While the LPR is out for Reg 19 consultation, we will work together towards a statement of common ground between West Berks and National Highways, ready in time for the Examination stage of the LPR. We will continue our collaboration with National Highways as the Local Plan gets finalised. The ideal situation is that at examination we have an agreed statement of common ground confirming there are no issues flowing from our proposals from National Highways' point of view; and, they are content with our approach and methodology of assessment / modelling.

5.38 Water and drainage are considered across the district at a strategic level and the close work with Thames Water is highlighted who supply both the water and collect and treat waste water across the district. This work will continue as the Local Plan is progressed and proposals for development are firmed up with more certainty.

5.44 The approach to Habitats Regulations Assessment (HRA) has been developed in conjunction with Natural England and they agreed with our initial screening opinion and the final HRA document has been developed following that screening. We have requested entering to a statement of common ground with Natural England and will continue to work with them on this topic.

This Interim Duty to Cooperate Statement is presumably a 'proposed submission document' under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012. It therefore cannot be modified after the Regulation 19 Consultation, because all proposed submission document must have been available for inspection during the consultation period.

Therefore, if the Duty to Cooperate Statement is modified after the consultation period, as appears from its filename and content to be the intention, the amended document would not be legally compliant with Regulation 19.

As the document does not include any 'version control' information, the pdf document properties of the version for Regulation 19 consultation are copied below, so that the correct version can be

confirmed at Examination:

Document Properties

Description
Security
Fonts
Custom
Advanced

Description

File: LPR_Interim_DtC_Statement_(January_2023).pdf

Title:

Author:

Subject:

Keywords:

Created: 06/01/2023 14:37:46

Modified: 06/01/2023 14:45:56

Application:

Advanced

PDF Producer: Foxit PhantomPDF Printer Version 9.7.5.2243

PDF Version: 1.6 (Acrobat 7.x)

Location: U:\Thatcham\Misc\Local Plan\Reg 19 documents\Submission local plan\Feb download\

File Size: 2.74 MB (2,870,964 Bytes)

Page Size: 8.50 x 11.00 in

Number of Pages: 56

Tagged PDF: Yes

Fast Web View: No

OK
Cancel

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

Paragraph 27 of NPPF states:

“In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.”

We are not aware of the Duty to Cooperate Statement (and therefore the Statement of Common Ground that it contains) having been made available prior to 6th January 2023 (the previously intended start date of the Regulation 19 Consultation). Paragraph 5.29 suggests that a Duty to Cooperate Statement will be provided at examination that has not been available during the Regulation 19 consultation.

Neither of these provide any transparency to the public during the plan-making process.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

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).

The Examination must consider the version of the Duty to Cooperate Statement that was available during the Regulation 19 Consultation

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	West Berkshire Strategic Vision 2050
Section/paragraph:	1.26, 4.5
Policy:	
Appendix:	
Policies Map:	
Other:	The three reports by Iceni Projects Ltd: - West Berkshire Vision – Local Plan Review; Baseline Report - Newbury & Thatcham – Socio-economic baseline & property market assessment - West Berkshire Strategic Vision 2050

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

The revision of the NPPF in July 2021 introduced a new requirement into paragraph 22:

“Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.”

West Berkshire Council concluded that this change required it to pause the Regulation 19 consultation of the Local Plan in order for it to undertake additional work to support this new requirement. The press release announcing this is reproduced below.

West Berkshire Council then commissioned Iceni Projects Ltd to undertake this work. The specification for this project describes it as follows (the full specification is Attachment 8 to these representations):

“West Berkshire District Council (WBDC) wishes to procure consultancy services to deliver focussed visioning work for two settlements to support the Local Plan Review (LPR) 2021 - 2037; Newbury where the strategic site Sandleford (circa 1,500 dwellings) is proposed and Thatcham where the strategic site, North East Thatcham (circa 2,500 dwellings) is proposed.

The visioning will support the spatial strategy for the West Berkshire LPR.”

The three reports by Iceni Projects form part of the Evidence Base for the Local Plan Review:

- West Berkshire Vision – Local Plan Review; Baseline Report
- Newbury & Thatcham – Socio-economic baseline & property market assessment
- West Berkshire Strategic Vision 2050 (though this is missing its Appendix 1 and 2)

The two baseline reports contained significant errors and shortcomings. Town Councillors spent a considerable time reviewing these documents, and the Council provided detailed corrections and comments to Iceni (this is provided as Attachment 9 to these representations). However, neither document has been updated. The most obvious error is that the statement “Thatcham is an historic market town approximately 3 miles west of Newbury” (rather than east). This is such an obvious error that it suggests that these documents were not properly reviewed either by Iceni or West Berkshire Council.

Since the report was commissioned, the definition of the number of dwellings for North East Thatcham has changed, but it is clear that it is still a significant extension to an existing town (as also is Sandleford Park). The inclusion of these reports by West Berkshire Council in the evidence base indicates that it believes that the new provision in paragraph 22 of NPPF is still applicable.

However, there is no mention whatsoever of this visioning work in the Local Plan Review Proposed Submission (January 2023). Nothing in this document looks beyond the end of the next plan period in 2039. Paragraph 1.26 explicitly states this:

“1.26 The LPR includes a vision, strategic objectives and a set of policies which together provide a policy framework for assessing planning applications and guiding development across West Berkshire. It is set out as follows:

... Our Vision of what West Berkshire will look like in 2039...”

The Iceni reports are also not mentioned in Paragraph 4.5 “Key pieces of evidence” for the “Development Strategy: Our place based approach” – i.e. the spatial strategy.

It therefore appears that the Vision 2050 study was commissioned as a ‘tick-box exercise’, to give the token appearance of compliance with NPPF Paragraph 22, rather than to provide a basis for the development of policies within the plan.

Therefore, Local Plan Review Proposed Submission (January 2023) cannot as a whole be in compliance with Paragraph 22 of NPPF.

As the Appendices to the West Berkshire Strategic Vision 2050 are missing from the evidence base for the Regulation 19 consultation, the detailed comments made by Thatcham Town Council in response to the survey by Iceni are provided as Attachment 10.

Council obliged to postpone local plan review

The Government announced changes to the National Planning Policy Framework (NPPF) on 20 July.

Posted by: Communications
on 18 August 2021

Issued on: 18 August 2021.

These changes, which were made without notice, have significant implications for the West Berkshire District Local Plan Review. The current Review, prepared under the previous NPPF requirements, sets out planning policies and proposals to guide development up to 2037, but under the changes West Berkshire Council is now required to prepare a Local Plan detailing a 30-year vision.

The Council has sought independent legal advice and it is clear that additional work will be needed to support the new requirements, and consequently the Council has no alternative but to delay production of the current Local Plan Review.

Further, and as a result of the changes required and the legal advice sought, the planned extraordinary meeting of the Council in October, which had been intended to seek approval for a pre-submission version of the West Berkshire District Local Plan Review Document, and consequent consultation, will now not take place.

Cllr Richard Somner, Executive Member for Planning, Transport and Countryside at West Berkshire Council, said:

“

"This is hugely disappointing news. West Berkshire prides itself on being a plan-led authority, and we have worked hard to prepare a plan that would pass muster with a Planning Inspector in order to continue to protect the District against speculative development.

"The Government consulted on a possible requirement for Local Plans to include a 30-year vision some months ago, but the consultation related to new settlements only (and we responded along with many other local authorities). The Government has produced no feedback on the consultation, and we had no advance warning of this fundamental change in the NPPF. Worse still, no guidance has been published alongside the changes to the NPPF to explain what local authorities need to do to meet this new requirement - it is merely promised at some stage in the future.

"Our legal advice is clear that we have no choice but to delay our Plan.

"This does not mean that policy-led planning has stopped in West Berkshire and we continue to have robust policies and an adequate pipeline of housing supply. However, this sudden change in stance means that we need to take stock of the implications of these Government imposed changes on the Local Plan Review and then proceed as we deem appropriate."

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

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).

Paragraph 22 requires that policies should be set within a vision that looks further ahead (at least 30 years)” and this ‘setting’ is totally absent from the Local Plan Review Proposed Submission (January 2023).

To remedy this requires a review of many of the policies within the document, which is beyond what can be addressed through modification at examination.

It is clear that the Local Plan is therefore “not ready for independent examination”. Therefore, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004, West Berkshire Council must not submit it to the Secretary of State for examination.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Settlement boundary for North East Thatcham
Section/paragraph:	6.59 and map on page 65
Policy:	SP17
Appendix:	Appendix 2: Settlement Boundary Review
Policies Map:	Settlement boundary for SP17
Other:	Settlement Boundary Review (SBR): December 2022

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

Appendix 2 of the draft Local Plan defines Settlement Boundaries as follows: “They identify the main built up area of a settlement within which development is considered acceptable in principle, subject to other policy considerations.”

This definition creates a presumption in favour of development unless this would conflict with policies within the Local Plan.

The area for housing will in any case need to be reduced from what was envisaged in the Strategic Growth Study, in order to deliver the housing densities defined in the West Berkshire Density Pattern Book. The settlement boundary needs to reflect this.

Appendix 2 states that “Boundaries will exclude: Recreational or amenity open space which extends into the countryside or primarily relates to the countryside in form and nature. This includes designated Local Green Space.” The map on page 65 shows three areas of “Country Park / Public Open Space” adjacent to the ‘site boundary’. These are clearly ‘recreational or amenity open space’ – so must be outside the settlement boundary. However, there is no supporting evidence to support their location and size – so their position on the map must be considered at present to be indicative.

Paragraph 6.58 of the draft Local Plan states: “The new revised settlement boundary will be defined following the studies and work identified in the policy at the application stage.”

The ‘red line’ boundary map of the map on page 65 of the draft Local Plan is described as the “North East Thatcham Site Boundary” – i.e. the boundary of site THA20. However, this same boundary has been incorrectly transferred to the Policies Map and shown in map 46: Thatcham E of the Settlement Boundary Review paper as the settlement boundary.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

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).

The term “settlement boundary” is not used in legislation or Government guidance on planning. There is therefore no requirement for a site allocation in a Local Plan to fall within a settlement boundary. It is clearly premature to specify any new settlement plan, and incompatible with paragraph 6.58 of the draft Local Plan.

The map on page 65 of the draft Local Plan provides a way forward, because it shows the boundary of the site, rather than the settlement boundary:

(i) Paragraph 6.58 needs to be modified as follows: “The new revised settlement boundary will be defined within the ‘North East Thatcham Site Boundary in the accompanying map,’ following the studies and work identified in the policy for a development of at most approximately 1,500 dwellings at the application stage. The settlement boundary will exclude any country park or public open space on the edge of the development”

(added text is underlined)

- (ii) The settlement boundary on the Policies Map needs to be restored to its current position – along Bath Road and Floral Way, in accordance with Paragraph 6.58 of the draft Local Plan.
- (iii) A revision of the document ‘Settlement Boundary Review (SBR) December 2022’ needs to be published, in which ‘Map 46: Thatcham E’ is amended to show the settlement boundary in its current position – along Bath Road and Floral Way.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Map of North East Thatcham in policy SP17
Section/paragraph:	Map on page 65
Policy:	SP17
Appendix:	
Policies Map:	'North East Thatcham Proposal' layers
Other:	

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

☐

No

☐

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

There are several inconsistencies between Policy SP17 and the map on page 65 of the draft Local Plan, and unexplained features:

- 1) Policy SP17 states that the Green Infrastructure will include “A new community park linking Thatcham to the North Wessex Downs AONB”. However, the map shows three small and disconnected areas described as “Country Park / Public Open Space”. These are clearly defined by the 110m AOD contour, rather than their relationship to the AONB.
- 2) The purpose of the car park on Harts Hill Road is unclear, and conflicts with the policies in the draft Local Plan to promote active travel. It is located on a blind bend on Harts Hill Road.
- 3) The “Green linkages between Country Park / Public Open Space” are not mentioned in Policy SP17, and their purpose is unclear – whether they are for wildlife or pedestrians. If they are for wildlife, then the wildlife pass through Long Grove Copse (between Siege Cross Farm and Colthrop Manor), rather than all the way round its periphery.
- 4) The three areas of “Country Park / Public Open Space” and the “Green linkages between Country Park / Public Open Space” are not consistent with the description of ‘Green and Blue Infrastructure’ that are described in paragraphs 4.8 – 4.14 of the Thatcham Strategic Growth Study Stage 3 – which Policy SP17 states “provides guiding principles for the delivery of the site”.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

☐

No

☐

Please give reasons for your answer:

N/A

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).

The areas of Country Park / Public Open Space and Green Linkages need to be removed from the map on page 65 of the draft Local Plan, pending the completion of the ‘studies and work’ called for in Paragraph 6.58.

The ‘North East Thatcham Proposal’ layers need to be removed from the Policies Map for the time being.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	The evidence base for the SA/SEA for assessment of transport is not yet available
Section/paragraph:	
Policy:	Policies SP17, SP23
Appendix:	
Policies Map:	
Other:	Policy SP17 Sustainability Appraisal: Appendix 5 SA/SEA of Strategic Policies West Berkshire Strategic Transport Model – Local Plan Forecasting Report

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

☐

No

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Please give reasons for your answer:

The Local Plan Review web page on the West Berkshire Council website for the evidence base of transport assessments states:

“Transport is one of the key considerations to be assessed as part of the Local Plan Review (LPR) process. A Strategic Transport Assessment (TA) is being undertaken to run concurrently with the LPR process to determine the potential impacts of the emerging draft LPR and to investigate possible mitigation measures to address such impacts.”

(<https://westberks.gov.uk/transport-assessments> retrieved 26/02/2023 - copied below)

Regulation 12 of The Environmental Assessment of Plans and Programmes Regulations 2004 states:

“(1) Where an environmental assessment is required by any provision of Part 2 of these Regulations, the responsible authority shall prepare, or secure the preparation of, an environmental report in accordance with paragraphs (2) and (3) of this regulation.

(2) The report shall identify, describe and evaluate the likely significant effects on the environment of—

(a) implementing the plan or programme

If the document “to determine the potential impacts of the emerging draft LPR” is “being undertaken to run concurrently with the LPR process”, then the evidence for the SA/SEA cannot have been available when the Sustainability Appraisal: Appendix 5 SA/SEA of Strategic Policies was prepared.

The SA/SEA Summary for Transport Policy in Table 59 Appendix 5 of the SA/SEA states:

“The policy is likely to have a positive impact on all sustainability objectives as it seeks to promote and encourage the use of sustainable modes of travel, such as walking, cycling and the use of public transport over car use. A number of indirectly positive environmental impacts have also been

identified, which relate to benefits that a reduction in car use would have that are not directly related to the policy. No negative impacts have been identified as a result of this policy.”

It describes the ‘Overall effect’ as “Positive”. There is no basis for this conclusion, as the Strategic Transport Assessment has not yet been carried out.

The proposal for approximately 1,500 homes at North East Thatcham will increase the overall level of traffic in and around Thatcham. The West Berkshire Strategic Transport Model – Local Plan Forecasting Report concludes (paragraphs 5.4.1 and 5.4.2):

“5.4.1 The analysis set out in this assessment indicates where small impacts may still occur as a result of Local Plan growth and the proposed mitigation; however due to network constraints it will not necessarily be feasible to mitigate all such impacts.

5.4.2. It is important to note, however, that the Local Plan impacts have been assessed against a Reference Case which assumes no growth (beyond the current adopted Local Plan) in housing and employment within West Berkshire, which is an unrealistic situation; there will inevitably be growth across the district, and the district is committed to deliver that growth.”

Regulation 12 requires the EA/SEA to assess the plan as a whole, not policy-by-policy. It is therefore clear that the impact of SP23 taken with SP17 in relation to transport is negative, even without taking into account the growth in housing and employment within West Berkshire that is inherent to the draft Local Plan.

The Sustainability Appraisal of transport therefore does not comply with the requirement of Paragraph 12(2)(b) of The Environmental Assessment of Plans and Programmes Regulations 2004.

Transport Assessment to Support the West Berkshire Local Plan Review to 2039.

Transport is one of the key considerations to be assessed as part of the Local Plan Review (LPR) process. A Strategic Transport Assessment (TA) is being undertaken to run concurrently with the LPR process to determine the potential impacts of the emerging draft LPR and to investigate possible mitigation measures to address such impacts.

The first phase of the Transport Assessment work was published in December 2020. It includes outputs from transport modelling using the Council's strategic transport model. You can  view or download the Phase 1 Transport Assessment Report, here [1MB] .

The second phase of the Transport Assessment takes forward the issues identified by the modelling work outlined in the Phase 1 report, looking into more detail the main locations identified and assesses the suitability of the potential mitigation measures that are likely to be required. You can  view or download the Phase 1 Transport Assessment Report, here [2MB] .

Did you find this information useful?

Consultants to produce forecast year transport models representing a range of scenarios in the district to help inform the selection of sites. The Local Plan Forecasting Report and the appendices are available to view and download below:

-  West Berkshire Strategic Transport Model - Local Plan Forecasting Report [46MB]
-  West Berkshire Strategic Transport Model - Local Plan Forecasting Report Appendices [34MB]

In addition to the focus on transport modelling and the assessment of highway impacts, both the LPR and its supporting transport evidence base will need to consider opportunities for increasing travel and lifestyle choices and for more journeys to be made by sustainable modes. This will include being alert to and receptive of the expected technological advancements in terms of transport and personal mobility that are currently taking place. It will continue to develop apace over the lifetime of the new plan period.

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

As the sustainability appraisal is not legally compliant, the Local Plan cannot be in accordance with Paragraph 32 of NPPF.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

☐

No

☐

Please give reasons for your answer:

N/A

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).

The SA/SEA needs to be reviewed in relation to transport after completion of the Strategic Transport Analysis.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Incorrect assumptions and inadequate and contradictory information in the studies on traffic and highways
Section/paragraph:	
Policy:	SP17
Appendix:	
Policies Map:	
Other:	West Berkshire Strategic Transport Model – Local Plan Forecasting Report Thatcham Strategic Growth Study Stage 3 West Berkshire Local Plan Review Phase 2 Transport Assessment Report (July 2021)

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

☐

No

☐

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

There are a number of incorrect assumptions and inadequate and contradictory information in the studies on traffic and highways.

Level Crossing at Thatcham Station

The lived experience of residents of Thatcham is that the location of most serious congestion is the level crossing at Thatcham station. At times, the queue can build to more than half an hour in duration, when there is an unfortunate combination of train movements. The current situation is unacceptable, and any increase in delays is completely unacceptable.

The WSP study does not build this into its model. The West Berkshire Local Plan Review Phase 2 Transport Assessment Report merely states “However, the model also indicates that these queues clear when the level crossing gates are open”, which is an obvious but irrelevant statement.

It is clear that any increase in housing in Thatcham will result in a corresponding increase in traffic over the level crossing, especially if those homes are located at the east of the town.

Paragraph 110 of NPPF states:

“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that ... any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

Thatcham Town Council is of the view that any adverse impact on the already unacceptable delays at the level crossing is ‘significant’. It is not possible to mitigate this, because most of the journeys using the level crossing are not served by public transport and are too long for active travel.

Additional journeys by non-residents of NE Thatcham

The traffic studies assume that any additional journeys will be generated by residents of the North East Thatcham development. However, Policy SP17 proposes a secondary school with a large proportion of pupils who are not residents of the development. This and the teachers for the school will generate a substantial number of vehicle movements during the morning rush hour.

The “Local centres providing local retail facilities and small-scale employment for community use (approximately 1,100 sq. metres)” will generate additional vehicle movements, although the magnitude of this is as unclear as the intended use of these facilities.

Queues on Floral Way/Heath Lane

Paragraphs 3.26 and 3.27 of the West Berkshire Local Plan Review Phase 2 Transport Assessment Report (July 2021) imply that, without mitigation, traffic queues on Floral Way might extend from the A4 back to Heath Lane – a distance of a mile. If that is the case, then any mitigation measures are unlikely to reduce traffic delays to an acceptable level.

Provision (or not) of through route for traffic

The Thatcham Strategic Growth Study envisages several distinct neighbourhoods, with “Public transport through-route, limited car movement between neighbourhoods” (Stage 3 Study, figure 64). However, the West Berkshire Strategic Transport Model – Local Plan Forecasting Report has incorrectly included this route in its traffic forecast (Paragraph 2.4.8, based on Section 5 of the report by Transport Planning Associates in Appendix C) :

“The development proposals include a link road through the site joining the A4 at Gables Way with Harts Hill Road, and the modelled movements account for internalisation of trips and use of the link road.”

Impact of Policy ESA1 (Land east of Colthrop Industrial Estate, Thatcham)

Outline planning permission has already been granted for this site for B2 and/or B8 development, addressing access. One of the conditions requires “The application and provision of a Traffic Regulation Order prohibiting right turn movements from the access”. This will double the number of traffic movements for vehicles leaving the site and heading east along the A4, as they will need to turn left and then turn back at the Gables Way roundabout. This need to be taken into account in the traffic modelling.

Consistency of road and junction layout

The Thatcham Strategic Growth Study shows Floral Way diverted into the development between the A4 and Harts Hill Road, with two junctions close together. However, the West Berkshire Strategic Transport Model – Local Plan Forecasting Report has assumed only one junction at this location in its modelling.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

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).

The Strategic Transport Assessment should take the issues identified in this representation into account, and the traffic studies necessary for this should be carried out. The results of the Strategic Transport Assessment should then be considered in the Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA), prior to the submission of the draft Local Plan.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	The settlement boundary to the west of Thatcham is shown incorrectly in map "Thatcham W" of the Settlement Boundary Review background paper.
Section/paragraph:	
Policy:	
Appendix:	Appendix 3 of the Settlement Boundary Review
Policies Map:	
Other:	Settlement Boundary Review (SBR) December 2022, map "Thatcham W"

1. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

☐

No

☐

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

The Policies Map shows the open space between Sowerby Street and Tull Way (on the west side of Thatcham, to the east of Tull Way and north of the garden centre) as being outside the Settlement Boundary and part of the 'proposed green gap' between Thatcham and Newbury. However, map "Thatcham W" of the paper 'Settlement Boundary Review (SBR) December 2022' shows the settlement boundary as extending to Tull Way.

In the Regulation 18 consultation, the Town Council proposed that the open space between Sowerby Street and Tull Way should be outside the settlement boundary, and this was accepted by West Berkshire Council - Settlement Boundary Review Background Paper; Dec 2022, page 30 of responses (pdf page 115).

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

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).

The settlement boundary in the Settlement Boundary Review (SBR) December 2022, map "Thatcham W" needs to be moved to the east, so that the area of open space between Tull Way and Sowerby Street is outside the settlement boundary.

Your name	Thatcham Town Council
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Please indicate which part of the Local Plan Review this representation relates to:

Issue:	Policy RSA7 contradicts the full planning approval that has already been granted for this site.
Section/paragraph:	
Policy:	RSA7 (with consequential impact on SP13)
Appendix:	
Policies Map:	
Other:	

2. Legally Compliant

Do you consider the Local Plan Review is legally compliant?

Yes

☐

No

☐

Please give reasons for your answer:

N/A

2. Soundness

Do you consider the Local Plan Review is sound?

Please tick all that apply:

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

Please give reasons for your answer:

Full approval has been given by West Berkshire Council for 91 dwellings on this site by 18/00964/FULEXT.

This has a single access from Lower Way.

This approved application does not include cycle linkages through the site, despite a specific request

by Thatcham Town Council.

The development does not front onto Lower Way, and one property is only around 1m away from the public footpath that now runs through the site.

3. Complies with the Duty to Co-operate

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

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).

Point (i) in Policy RSA7 needs to be amended as follows:

- (i) Provision for ~~approximately 85~~ 91 dwellings, with a mix of dwelling sizes and types.
- (ii) The site should be accessed via Lower Way. ~~To ensure permeability through the site, the scheme should be designed with the potential for two accesses to be provided. Pedestrian and cycle linkages will be expected through the site and linking to the surrounding area.~~
- (iv) ~~It is expected that development will front onto Lower Way to enable effective integration with the existing built form and be set back from the existing public rights of way to the east and west of the site.~~

(added text is underlined; deleted text is struck through)

The consequential change to the number should be made to Policy SP13.

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:

Thatcham Town Council is the principal representative body of the community of Thatcham, which is the location of only new strategic site allocation in the draft Local Plan. The suitability of this site for development is reliant on having adequate infrastructure. However, the regeneration that was promised in the current Local Plan has not materialised, and would not be delivered through the policies in the draft Local Plan. The Town Council can provide local insight to the examination about Thatcham, and particularly on the substantial deficit of infrastructure in the locality. It would also be happy to elaborate on its other concerns about the current proposals for the North East Thatcham Strategic Site Allocation, as described in these representations.

The Town Council anticipates that changes necessary to the draft Local Plan in relation to site allocations are greater than could be addressed through 'main modifications'. If, however, the Inspector is minded to consider recommending 'main modifications' to policy SP17 and related matters in other Policies, it would welcome the opportunity to provide its perspective on what modifications would be required.

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