



Thatcham Town Council

Examination of West Berkshire Local Plan 2022-2039

Statement of Thatcham Town Council in response to Inspector's questions in document IN6

This document was approved by the meeting of Planning and Highways Committee of
Thatcham Town Council on 13th February 2024

1 Introduction

1. Thatcham Town Council welcomes the opportunity to provide further information to the Inspector for the Examination of West Berkshire Local Plan 2022-2039, in advance of the Examination hearings.
2. The Inspector will probably be aware that West Berkshire Council had intended to withdraw the draft Local Plan from examination, but was instructed not to do so by a Minister of the Department for Levelling Up, Housing & Communities on the day of the Council meeting called for that purpose. The Town Council was aware of that intention, and consequently did not start consideration of the Inspector's questions in document IN6 until after that meeting. As a result, this submission only includes responses to questions 1-3. We intend to respond to the remaining questions by the second deadline of 22nd March.
3. We note that the Duty to Cooperate Statement states "In addition two senior officers from West Berkshire attended briefings of Thatcham Town Council (10/01/2023) ..." (paragraph 5.26). This briefing was part of a meeting of its Planning and Highways Committee; a recording of this meeting is published on the Thatcham Town Council YouTube channel: <https://www.youtube.com/watch?v=wYwRfo1s8Bw>
4. The Inspector might find it useful to listen to this recording (but note that it took place ten days before the start of the Regulation 19 consultation, and the wording of SP17 relating to 1500 houses was amended in that period – so the details of that discussion need to be treated with some caution). However, although this meeting is mentioned in the section of the Statement relating to the Duty to Cooperate with the Integrated Health Board, that topic was not addressed significantly in this meeting.
5. In this submission, "the Council" refers to West Berkshire Council and "the Town Council", "we" or "our" refers to Thatcham Town Council. References in this submission to the NPPF are to the paragraph numbers in the version of July 2021.

1.1 Is there any substantive evidence to indicate that the Council failed to comply with the duty to cooperate during the preparation of the Plan up until the date on which it was submitted for examination?

Related parts of Regulation 19 representations: 9-11, 50-52

6. The Duty to Cooperate was introduced in the Localism Act 2011, and Integrated Care Boards were made 'prescribed bodies' under The Health and Care Act 2022. Under this Duty to Cooperate, West Berkshire Council is required to cooperate with the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (BOBICB) "in order to address strategic planning issues relevant to their areas."
7. Policy SP17 of the draft Local Plan includes "450 sq. metres GP Surgery to be offered to the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board or other such appropriate body". This is new for the Regulation 19 draft Local Plan – there had been no mention of provision of a GP surgery at earlier stages of development of the Local

Plan. We understand that this was a recent addition to SP17, falling within the period of BOBICB, and not its predecessor the Newbury and District Clinical Commissioning Group.

8. The Council published an 'Interim Duty to Cooperate Statement (January 2023) with the Regulation 19 consultation. As the GP surgery in SP17 is part of a strategic policy, we expected this to be considered a strategic planning issue. However, there was no mention of the GP surgery, or indeed any mention of BOBICB in this interim statement.
9. The Town Council recognises the need for additional GP surgery capacity for Thatcham. However, we received advice that the proposed size of 450 sq. metres was too small to provide the services that are now expected from a GP practice.
10. The Town Council therefore made representations in its Regulation 19 submission that the Council had failed to fulfil its duty to cooperate with BOBICB, and that it had failed to consider the viability of the GP surgery as part of the sustainability appraisal for SP17 – indeed the 'Local Plan Review SA/SEA Non-technical summary' was most recently been updated when the comments on the Regulation 18 consultation were considered.
11. It is clear from the Regulation 19 representation by BOBICB that The Council had indeed not consulted with it regarding the proposed GP surgery. The representations by Thatcham Medical Practice and the Burdwood Surgery confirm that this size of surgery is not viable.
12. The cut-off date for fulfilling the duty to cooperate is the date of submission of the draft Local Plan for examination. The Town Council therefore expected that any Regulation 19 representations claiming a failure of duty to cooperate would be considered, and an attempt made to address them before submission. We also expected that our representations on failure of duty to cooperate, especially in relation to a strategic policy such as SP17, would be specifically addressed in the submitted Duty to Cooperate Statement.
13. However, the period of only three weeks between the end of the consultation period and submission was probably barely sufficient to compile the responses, let alone consider their content.
14. Paragraph 5.26 of the submitted Duty to Cooperate Statement describes regular meetings with BOBICB "where the implications of the proposed local plan were discussed, in terms of health care impact and possible future requirements". We note that the meetings with BOBICB are stated to have started on 09/10/2020, whereas ICBs were only established under the Health and Care Act 2022. However, there no indication as who attended these meetings, the extent of their knowledge of the contents of the draft Local Plan, whether the proposed GP surgery for North East Thatcham was discussed at all, and whether conclusions or agreements were reached.
15. The Town Council understands that the Duty to Cooperate requires more than general discussions. This Duty to Cooperate had been questioned in Regulation 19 representations and the representations by BOBICB indicate clearly that there had not been any cooperation in relation to the GP surgery in policy SP17. The Town Council therefore

invites the Inspector to conclude that this represents substantive evidence that the Council failed to comply with the duty to cooperate with the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board during the preparation of the Plan.

16. We note that many sections of the Council's Duty to Cooperate Statement (March 2023) include statements such as "West Berkshire Council has been working with ... to find a long term solution", "will continue to work with them on this topic", "further duty to cooperate work has been undertaken which is still ongoing". The Statement does not describe what level of agreement had been reached on these matters. This is itself evidence that the Council has not fulfilled its Duty to Cooperate.

1.2 Is there any substantive evidence that indicates that the public consultation carried out during the preparation of the Plan failed to accord with the Council's statement of community involvement?

Related parts of Regulation 19 representations: pages 9-11, 26-29, 37-39 and elsewhere

17. The Statement of Community Involvement is full of fine aspirations about consulting the community of West Berkshire. However, the key statement in this document is in paragraph 2.22: "As a minimum, we will meet our statutory requirements with regard to consultation for all new DPDs, SPDs, Neighbourhood Plans and the CIL Charging Schedule."
18. The Town Council understands that the requirements for a Statement of Community Involvement stem from Section 18 of the Planning and Compulsory Purchase Act 2004, which states that "The statement of community involvement is a statement of the authority's policy as to the involvement in the exercise of the authority's functions under sections 13, 15, 19, 26 and 28 of this Act" (Sections 13 and 15 were added by the Neighbourhood Planning Act of 2017).
19. Section 13 states that "The local planning authority must keep under review the matters which may be expected to affect the development of their area or the planning of its development" including "the principal physical, economic, social and environmental characteristics of the area of the authority". This appears to include matters addressed in the Sustainability Appraisal.
20. We therefore question whether the statement in paragraph 2.22 of the Statement of Community Involvement meets the requirements of the Planning and Compulsory Purchase Act 2004, as it was amended in 2017.
21. The Policy SP17 in the draft Local Plan is significantly different from the version consulted on at Regulation 18. There has been no public consultation on the changes, including the GP surgery, the changes to provision of secondary education and the related changes that were made (or which should have been made) to the sustainability appraisal.
22. There has been no public consultation on the Thatcham Strategic Growth Study or the West Berkshire Strategic Vision 2050, both of which will affect "the principal physical, economic, social and environmental characteristics" of Thatcham and its locality.

23. The Strategic Vision 2050 is not referenced in the draft Local Plan that was submitted for examination. However, Council's response to the Inspector's preliminary questions to the Council (IN2, question PQ33) proposes adding numerous references to this document to the Local Plan.
24. The Town Council therefore invites the Inspector to conclude that the changes made to policy SP17 and its impact on the Sustainability Appraisal do not comply with the Duty to Cooperate Statement, or alternatively that the Duty to Cooperate Statement does not comply with the Planning and Compulsory Purchase Act 2004, as it was amended in 2017.
25. See also the Town Council's comments on questions 1.1 (duty to cooperate, in relation to the health centre), 1.4 (sustainability appraisal for SP17), 1.11 (Thatcham Strategic Growth Study and West Berkshire Strategic Vision 2050) and 4.5 (provision of secondary education).

1.4 Is there any substantive evidence to indicate that the sustainability appraisal fails to meet relevant legal requirements?

Related parts of Regulation 19 representations: pages 3-5, 12-22

26. The Town Council understands that the main 'relevant legal requirements' for a sustainability appraisal are contained in Regulations 8 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004. These require that the Council shall invite consultation bodies and the public consultees to express their opinion on any environmental assessment and shall take account of the opinions expressed in response. A plan, programme or modification in respect of which a determination under regulation 9(1) is required shall not be adopted or submitted to the legislative procedure for the purpose of its adoption until these steps have been completed.
27. Policy SP17 changes quite substantially between Regulation 18 and Regulation 19 consultations, including the number of dwellings and provision of education and healthcare facilities. The Town Council believes that these changes are sufficient to require determination under Regulation 9(1).
28. The Council's Statement of the Representations Procedure for the West Berkshire Local Plan Review 2022-2039 (LPR) – Proposed Submission (Jan 2023) included the following sentence: "The accompanying Sustainability Appraisal is a statutory document that identifies the likely significant effects of the LPR and the extent to which implementation of the policies will achieve social, environmental and economic objectives". It was therefore reasonable to expect that this consultation included the Sustainability Appraisal, albeit that this sentence probably did not comply with the requirements of the 2004 Regulations.
29. The Town Council undertook a detailed review of the Sustainability Appraisal, and provided comments on each cell of the table. The conclusions of its review were significantly different to the appraisal by the Council.

30. However, the West Berkshire Local Plan Review SA/SEA Environmental Report and its Appendix 5 that addresses strategic policies (core documents CD3a and CD3f) are dated November 2022. They therefore could not have taken account of the opinions expressed by the Town Council and other respondents during the Regulation 19 consultation.
31. Neither the West Berkshire Local Plan Review SA/SEA Environmental Report (CD3a) nor its non-technical summary (CD3) mention the changes in policy SP17 between Regulation 18 and Regulation 19 consultations. If the Council had determined that these changes were unlikely to have had significant environmental effects, it was required by Regulation 9(3) of the 2004 Regulations to prepare a statement of its reasons for that determination. We can find no such statement in the submission documentation for the draft Local Plan.
32. The SA/SEA is also not legally compliant because it has not reconsidered the reasons for rejection of other site allocations in the light of the changes to SP17.
33. The Town Council therefore invites the Inspector to conclude that the Council has not fulfilled the legal requirements of The Environmental Assessment of Plans and Programmes Regulations 2004, in respect of the changes to policy SP17 between Regulation 18 and Regulation 19 consultations (and potentially also other changes). The Local Plan therefore “shall not be adopted or submitted to the legislative procedure for the purpose of its adoption”.

1.11 Is it appropriate for Plan policies to refer to supplementary planning documents and other guidance documents that do not form part of the statutory development plan? If so, is the way in which such policies are expressed in the Plan unambiguous and justified in terms of the weight they expect decision makers to give to such documents?

Related parts of Regulation 19 representations: pages 43-45, 46-49, 50-52, 56-57

34. The Town Council does not have concerns about the general appropriateness of plan policies referring to supplementary planning documents and other guidance documents that do not form part of the statutory development plan, provided that these documents have been subject to proper consultation, that they are subject to a due process for any changes, and that the status of these documents is clear within the statutory development plan.
35. The Town Council has specific concerns about three documents that are referenced, or which the Council proposes should be referenced, that are relevant to policy SP17: the Thatcham Strategic Growth Study, the West Berkshire Strategic Vision 2050 and the Infrastructure Delivery Plan.
36. Thatcham Strategic Growth Study. This document comprises a report by a consultant on one possible configuration for a development of 2500 dwellings, and has not been the subject of any consultation. It is completely unclear how it could be applied to the 1500 dwellings in the current policy SP17. The statement that “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” is completely meaningless – this document does not contain any ‘guiding principles’ and the interpretation of “positively responded to” is completely opaque.

37. West Berkshire Strategic Vision 2050. This document comprises a report by a consultant, and has not been the subject of any consultation. The Town Council had sight of a draft and provided detailed comments and corrections, none of which have been incorporated in the final document. These are included in the Town Council’s Regulation 19 submission, as attachment 10. This document should not be referenced from the Local Plan or statutory development plan, because it contains significant factual inaccuracies (most obviously, it states that Thatcham is west of Newbury!).
38. Infrastructure Delivery Plan. This is described on the cover page as “This is a living document which will be updated consistently in line with the requirements of infrastructure providers. As infrastructure projects are completed, new projects will be included.” Neither the document nor the Council’s Local Development Scheme describe the process by which it would be updated or who would approve the update. It is unclear why “the requirements of infrastructure providers” should be the basis for updates. The version of the Plan that forms part of the evidence base contains significant discrepancies with the policies in the draft Local Plan. As this is an uncontrolled document that is not even correct at the time of submission for examination, it is wholly inappropriate to form any part of the Local Plan documentation.
39. The Town Council therefore believes that it is not appropriate to refer to these documents in the Local Plan or other documents that form part of the statutory development plan.

1.13 Does the viability evidence make reasonable assumptions about:

- (a) the cost of meeting all of the policy requirements included in the Plan along with any other relevant national standards;**
- (b) the value of development; and**
- (c) the price a willing landowner would be likely to sell their land for?**

Related parts of Regulation 19 representations

40. The Town Council does not understand how a viability assessment can be made for North East Thatcham in the absence of any masterplan or information about the layout of the site. We assume that land intended for housing would receive a higher value than land intended for a country park or other social use, but there is no information whatsoever on what area of the assumed development would comprise the 1500 dwellings.
41. The analysis in Table E of ‘West Berkshire Council Viability Assessment Update: Local Plan Review (2021-2022) Appendix I - Assumptions Summary’ is rudimentary, with most elements simply ‘pro rated’ (SIC) from the Thatcham Strategic Growth Study Stage 3 – which is itself in many respects questionable.
42. We have found the following substantial inconsistencies between the assumptions in Table E and Policy SP17 of the draft Local Plan:

Policy SP17	Table E	Comments
The site will provide Secondary provision - Land to meet the impact of the development.	Secondary - Land and buildings 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 local authority and local stakeholders. Assume 60% of the full 2,500 unit cost.	SP17 does not define number of forms of entry needed for secondary provision, but it is presumably similar to the 2.5FE needed for primary provision. This is for land only. The Reg. 18 draft Local Plan envisaged 2500 dwellings in its policy SP17, including "A new secondary school (8FE) and the sports infrastructure requirements of that school". Therefore, Table E assumes both land and buildings for a ~5FE secondary school
The site will provide 1,200 sq m community indoor facility to be used for sport and community uses	Community Building (350m2) - Pro-rated from Table D - 1,500 units	
450 sq. metres GP Surgery to be offered to the BOBICB	Assumed funded through CIL	SP17 presumably means that the surgery would be constructed as part of the development.
Local centres providing local retail facilities and small-scale employment for community use (approximately 1,100 sq. metres Class E and F2)	No mention of any such centres or facilities	

43. In addition, Table E 'pro rates' elements that have a fixed cost, independent of the size of the development, including improved crossing facilities on nearby roads and undergrounding of cables. Some others do not scale in proportion to the size of the development, including access onto adjoining roads.

44. The Town Council has pointed out in previous consultations that no agreement has been made regarding improvements to Henwick Worthy, and the proposal in the Strategic Growth Study is unworkable.

45. The Town Council therefore invites the Inspector to conclude that the viability evidence cannot have made reasonable assumptions about the cost of meeting all of the policy requirements of policy SP17, because the key assumptions that the Viability Assessment makes about this policy are substantially different to what that policy actually states and

other assumptions have been incorrectly scaled from information in the Strategic Growth Study.

- 1.15 Is the Plan based on proportionate and adequate evidence about the impacts that the development proposed will have on the strategic and local road networks?**
- 1.16 Is there substantive evidence to indicate that the development proposed in the Plan, in combination with other committed and planned development, would have an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe?**

Related parts of Regulation 19 representations: Pages 17, 70-72, 73-75

46. The comments of the Town Council on the impact to the road network relate specifically to the impact of policy SP17. We will therefore provide these to question 4.3.

- 3.1 Does policy SP1 set out an appropriate spatial strategy that will contribute to the achievement of sustainable development? In particular:**
- (b) Thatcham being a focus for housing and business development, regeneration and improved services and facilities.**

Related parts of Regulation 19 representations: pages 3-5, 43-45

47. The spatial strategy in policy SP1 does not of itself provide sustainable development – it is the policies that develop and implement SP1 that can contribute to the achievement of sustainable development. For North East Thatcham, that is primarily policy SP17.

48. As highlighted in our Regulation 19 submission, 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.”

49. Since the current Local Plan was approved, there has been almost no improvement in Thatcham’s services and facilities – and there has been none in the year since the Regulation 19 consultation. Therefore, according to the current Local Plan, Thatcham is not ready to fulfil its role within the District Settlement Hierarchy (which is very similar in the current and draft Local Plans).

50. It follows that the Thatcham’s services and facilities must be improved in advance of any significant housing development in the locality, in order for that development to be sustainable. Neither policy addresses the scheduling of infrastructure provision relative to housing development. In the absence of any requirements for scheduling, neither policy SP1 nor SP17 can contribute to the achievement of sustainable development.

51. We will address the specific issues in more detail in our responses to the questions in Section 4.

52. We are also unconvinced that the stringent constraints on development within the AONB and the DEPZs contribute to sustainable development across the district as a whole.

3.3 Are the settlement boundaries defined on the Policies Map appropriate and based on proportionate evidence?

Related parts of Regulation 19 representations: pages 40-42, 46-49, 65-67

53. The settlement boundary for North East Thatcham (SP17) defined on the Policies Map is neither appropriate nor based on proportionate evidence.
54. The settlement boundary for NE Thatcham appears to be based on the area of land under the control of the proponents of site THA20 rather than suitability for housing development.
55. The term “settlement boundary” is not defined in national planning policy nor in the main body of the draft Local Plan. It is described in Appendix 2, but this relates to the process of development and is not a definition that can be applied with certainty to the Policies Map. This description is:
- “Settlement boundaries identify the main built up area of a settlement within which development is considered acceptable in principle, subject to other policy considerations. While allowing for development, settlement boundaries protect the character of a settlement and prevent unrestricted growth into the countryside. They create a level of certainty about whether or not the principle of development is likely to be acceptable.”
- “Boundaries will exclude: *[inter alia]*
- Open undeveloped parcels of land on the edges of settlements which are not either functionally or physically or visually related to the existing built up area
 - 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.”
56. The policies map shows the ‘country park’ and ‘green link’ on the periphery of the settlement boundary as being within it. This is contrary to the description of settlement boundary in Appendix 2 of the draft Local Plan.
57. This is also directly contrary to Policy SP16 for the Sandleford Strategic Site Allocation, which states: “A network of green infrastructure to be provided which will ... **Provide a country park** or equivalent area of public open space in the southern part of the site **which will be retained outside of the settlement boundary for Newbury**”. (*our emphasis*)
58. There is no evidence that the whole of the North East Thatcham site is considered acceptable for housing. The Landscape Capacity Assessment might have provided this evidence. However, the report for this LCA states that “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 comprehend why such a constraint was placed on the assessment – unless it was intended to frustrate consideration of the acceptability (or lack of acceptability) of different parts of the site.

59. The boundary of the areas of 'country park' appears to be based on the arbitrary contour of 110m AOD, rather than any evidence from social, ecological or environmental considerations. As a result, they comprise three small and widely separated areas that are unlikely to be of significant value for these considerations. This is particularly obvious for the eastern area of 'country park', where following the contours results in two 'fingers' of land that are outside the area of the 'country park, but completely worthless for development.
60. The settlement boundary does not need to extend to 110m AOD in order to accommodate 1500 dwellings (given that the same settlement boundary could accommodate 2500 dwellings at Regulation 18. It is obvious that the visual impact of the development will increase with the elevation of the buildings at the highest elevation, and the impact on the AONB will increase with their proximity to it. IN the Siege Cross appeal, the Council argued that the settlement should not extend above 95m AOD (see Attachment 3 to our Regulation 19 submission).
61. Therefore, the meaning of settlement boundaries is not properly defined, and is not applied consistently across the Policies Map. The settlement boundary for North east Thatcham is not based on any relevant evidence.
62. The Town Council believes that the current proposals in policy SP17 for secondary education are unsound (we will address this in detail in our response to question 4.5). The Department for Education has published guidance on "Securing developer contributions for education (November 2019)", which provides helpful advice on 'Safeguarding land for schools'. We understand that this might require a new category in the Policies Map of "Land Safeguarded for Education".
63. In the Thatcham Town Council meeting on 10th January, the West Berkshire Council Officers that attended appeared suggested that respondents to the Regulation 19 consultation could propose an alternative settlement boundary. However, that would need to be based on evidence, and the Regulation 19 documentation provides no such evidence.
64. For these reasons, the Town Council invites the Inspector to conclude that the current settlement boundary should not be modified until a masterplan for 1500 dwellings has been prepared and consulted on (or less if the Inspector concludes that this number is not sustainable or not deliverable), based on a new Landscape Capacity Assessment and on a Landscape and Visual Impact Assessment. The settlement boundary should then only be expanded sufficiently to include the area needed for housing development in that masterplan.

3.5 Is policy SP2 consistent with national policy relating to AONBs?

Related parts of Regulation 19 representations: 18, 68-69

65. No. Policy SP2 applies only within the area of the AONB itself, whereas Paragraph 176 of NPPF also applies to its setting.

66. The Town Council notes that Section 245(6) of the Levelling-up and Regeneration Act 2023 has added a new provision to the Countryside and Rights of Way Act 2000: “In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.” This might require an amendment to Policy SP2.

67. We will address the impact of these issues on policy SP17 in our response to question 4.9.

3.13 Is the strategic approach of restricting development outside settlement boundaries set out in policies SP1 and SP2 justified and consistent with national policy?

Related parts of Regulation 19 representations: pages 3-5

68. The NPPF contains numerous references to ‘sustainable development’. One key requirement for a community to be sustainable is having enough residents within a locality to support the infrastructure that they need. The draft Local Plan does not envisage any completely new communities (now that Grazeley is no longer considered to be feasible), so sustainable development must therefore be delivered largely through development of current communities. The approach of defining settlement boundaries seems to be a proportionate approach to deliver this that is consistent with national policy – though we have concerns about the way that this has been implemented for North East Thatcham (see our response to question 3.3).

69. It appears from a ‘Google’ search that settlement boundaries are used widely by Local Authorities in plan making.

3.14 Is policy DM2 [Separation of Settlements around Newbury and Thatcham] justified and consistent with national policy? If so, will it be effective in preventing the coalescence of Newbury and Thatcham and maintaining the separate identity of the named settlements?

Related parts of Regulation 19 representations: pages 53-55

70. The geographic separation between Thatcham and the neighbouring settlements of Newbury, Ashmore Green, Cold Ash and Bucklebury is small. It only would take a small amount of development in the wrong place for them to coalesce and lose their separate identity. The Town Council therefore believes that that policy DM2 is justified, and indeed necessary, to prevent this.

71. The spatial strategy in Policy SP1 is welcome, but it relies on the term ‘settlement boundary’, the meaning of which is unclear (it is not defined in national policies and guidance or in the draft Local Plan), and could be inferred to apply only to housing (and not to other types of development or to first homes schemes)¹.

¹ For example, a planning application was submitted for 41 ‘holiday chalets’ at Hambridge Lake, in the strategic gap between Thatcham and Newbury. The application was made under the sui generis class, but the design of the ‘holiday chalets’ was indistinguishable from residential dwellings. This application was refused by West

72. The Town Council therefore believes that this policy is consistent with the NPPF, in particular paragraphs 16, 20 and 79 (our emphasis added):

16. Plans should:

c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; *(this policy is supported by the Town and Parish Councils)*

20. Strategic policies should set out an overall strategy for the pattern, scale and design quality **of places**, and make sufficient provision for:

d) conservation and enhancement **of the natural**, built and *historic environment, including landscapes* and green infrastructure, and planning measures to address climate change mitigation and adaptation.

79. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. *(and, by implication, not located where it will degrade their vitality through coalescing with neighbouring communities)*

73. The Town Council therefore believes that this policy to prevent the coalescence of Newbury and Thatcham and surrounding villages. Whether it is effective will only be found through the results of future planning applications and appeals.

74. The town council believes that the omission of the area between Thatcham and Upper Bucklebury from this policy is not justified by the evidence in the Appropriate Countryside Designation Study.

3.16 (a) Were the sites allocated in the Plan selected on the basis of adequate and proportionate evidence?

Related parts of Regulation 19 representations: pages 3-5

75. No. 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.

76. In particular, it appears from the Sustainability Appraisal and the HELAA that some sites were rejected because they were too small to provide the infrastructure that was considered to be necessary, but this was not reviewed following the modifications to policy SP17 for the Regulation 19 consultation (and the infrastructure that it would then provide).

Berkshire Council (Ref 19/02916/OUTMAJ) and refused on appeal to the Planning Inspectorate (Appeal Ref: APP/W0340/W/20/3259296). Since then, two further applications have been submitted for lower numbers of 'holiday chalets' on this site.



Thatcham Town Council

Examination of West Berkshire Local Plan 2022-2039

Statements of Thatcham Town Council

in response to Inspector's questions in document IN6

Matter 4: North East Thatcham strategic site (policy SP17)

This statement was approved by the meeting of Planning and Highways Committee of
Thatcham Town Council on 12th March 2024

1 Introduction

1. Thatcham Town Council welcomes the detailed scrutiny by the Inspector of Policy SP17 on the proposed North East Thatcham Development and its evidence base. We believe that there are serious shortcomings in Policy SP17; its evidence base is incomplete, weak and contradictory, and its preparation did not fully comply with statutory requirements. The policy as it stands is completely unsound, and we envisage that it will be extremely challenging to make it sound through main modifications.

1.1 Timely delivery of Infrastructure

2. Several of the Inspector's questions relate to the timely and coordinated delivery of infrastructure. This section applies to all of those questions.
3. In 2020, four landowners were promoting the land jointly as part of a partnership (See paragraphs 2.7 and 2.8 of the Thatcham Strategic Growth Study Stage 3 (referred to subsequently as TSGS3). The 'Stage 2c Availability sheet of Appendix 4 of the HELAA says (cell 259J): "The site is in multiple ownership, and a developer has an option on part of the site".
4. The topography and position of the site will place significant constraints on the location of the required community, green and transport infrastructure, and it is likely that this will be unevenly distributed between land owned or controlled by different landowners, site promoters and/or developers.
5. It is unknown how the site would be developed, if it is included on the Local Plan. However, based on the experience of Sandleford and other sites of similar size, it can be a challenging and lengthy process for the parties to reach agreement on apportioning of responsibility for infrastructure that serves the development as a whole or the wider community.
6. It is therefore essential that Policy SP17 specifies that a binding masterplan is finalised before any planning application can be determined in accordance with the Local Plan, and that any planning proposal must be for the site as a whole.

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2 Statements on Matter 4

4.1 Was the North East Thatcham site selected for allocation in the Plan following appropriate consideration of reasonable alternatives?

Related parts of Regulation 19 representations: pages 9-11

7. See the Town Council's comments in its Regulation 19 representations.

4.2 Is it necessary to modify the reasoned justification to policy SP17 to refer to the West Berkshire Strategic Vision 2050 in order to make the Plan sound?

Related parts of Regulation 19 representations: pages 61-64

8. The West Berkshire Strategic Vision 2050 was commissioned in response to the change made to NPPF Paragraph 22, that for larger scale developments "policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery".
9. The Vision was commissioned from Icen Projects following the Regulation 18 consultation on the emerging draft Local Plan. This explicitly looked beyond its plan period for North East Thatcham: "The site, as identified on the map, is allocated for a residential-led development comprising approximately 2,500 dwellings" (SP17) and "Delivery of at least 1,250 dwellings is anticipated within the plan period (paragraph 6.45). In contrast, the draft Local Plan explicitly does not look beyond its plan period: "The site is to be allocated for approximately 1,500 dwellings which will be completed within the period of the plan" (SP17).
10. Therefore, there is no longer any need for such a vision in order to comply with NPPF paragraph 22 – and it would not comply with NPPF, because it does not look forward "at least 30 years".
11. The Vision and its two baseline reports are completely devoid of 'vision'. The Vision is largely composed of obvious statements about the future, most of which have an earlier horizon than the plan period. The only part of the vision that explicitly looks beyond the plan period relates to the then-proposed NE Thatcham development for 2500 homes, which is now irrelevant.
12. The Town Council has provided detailed comments on the Vision in our Regulation 19 submission. We provided narrative comments in response to Icen Projects residents' survey (in attachment 9 to the Reg. 19 submission) and detailed corrections to errors in the baseline reports (in attachment 10), but neither have been taken into account in the final documents.
13. However, as the Vision was not mentioned in the draft Local Plan at the time of the Regulation 19 consultation, other respondents had no reason to comment on it (and the methods of responding made it very difficult for them to do so). The two appendices

of the Vision were not available during the Regulation 19 consultation, and the version of appendix 2 in the Examination Library is marked as draft.

14. As part of the work, Icen Projects conducted an online survey. 1655 people took the trouble to answer the question “If you could change one thing about West Berkshire by 2050, what would it be?” The individual answers to this question could have provided valuable insight on the long-term aspirations of local residents. However, the so-called “detailed analysis” of the responses in appendix 2 consists only of a tally of the number of responses under different themes – a massive opportunity that was squandered.
15. For these reasons, the Town Council believes that there is a strong justification for **NOT** adding reference to the Strategic Vision 2050 in the Local Plan. If a reference is added, then the Vision must also be modified to remove the reference to 2500 homes.

4.3 What specific transport infrastructure projects and other measures are expected to be necessary to ensure the following in relation to the development proposed on the North East Thatcham allocation?

Related parts of Regulation 19 representations: pages 17, 70-74

(a) Appropriate opportunities to promote sustainable transport modes can be taken up

16. Policy SP17 calls for “Active travel improvements on routes between the site, Thatcham town centre and the railway station”. We are not aware of any feasible alternative to the A4 as the route to the town centre. For much of its length, the highway is not wide enough to implement a segregated cycle lane. It currently has intermittent non-segregated cycle lanes (largely mandatory), and one section (Chapel Street) is too narrow for any cycle lane. The A4 carries around 20,000 vehicle movements each way a day whereas Government guidance on cycle infrastructure design states that more than 6000 vehicle movements makes the “provision suitable for few people and will exclude most potential users and/or have safety concerns”¹.
17. We do not believe that the active travel route for cycling along the A4 can be improved sufficiently to significantly reduce the need for car journeys, which is the objective of the policy.
18. See also our comments on the assessment of safe and sustainable travel in the SA/SEA for Policy SP17 in our Regulation 19 representations.

(b) Safe and suitable access to the site can be achieved for all users

19. The provisions for site access are unclear. The design of the access points in TSGS3 differs from those assumed in the traffic studies. In any case, the arrangements for access will depend on the size and geographic extent of the development.

¹ Department for Transport Local Transport Note LTN1/20 ‘Cycle Infrastructure Design; Figure 4.1 ‘Appropriate protection from traffic on highways’; Cycle Lane (mandatory/advisory), 30mph speed limit.

4.4 Will policy SP17, along with other relevant policies, be effective in ensuring the timely delivery of the necessary transport infrastructure projects and other measures to support development proposed at North East Thatcham?

Related parts of Regulation 19 representations: 73-75

20. The Town Council believes that any significant development in the locality of Thatcham must be supported by a bridge to replace the level crossing adjacent to Thatcham Station. This has not been properly considered in the evidence base; see our Regulation 19 submission.
21. We note that the HELAA for site CA12 (Land at Henwick Park, Bowling Green Road, Thatcham, RG18 3BY) states: "However, should THA20 come forward some of this site will be required to widen and realign the Heath Lane and the Thatcham Northern Distribution Road" (Stage 2b Suitability, cell G80). This is missing from Policy SP17, the IDP and other Local Plan documentation.

4.5 Education infrastructure

Related parts of Regulation 19 representations: Pages 10-11, 16-17, 46-49

(a) Are the requirements of policy SP17 for early years, primary school and secondary school provision to meet the needs of the North East Thatcham development clear and unambiguous, and are they justified?

22. It is clear that any new development will create a need for additional early years provision. Policy SP17 mentions this, but says nothing about how much is needed or how it will be provided.
23. The requirements for the provision of primary education appear to be satisfactory.
24. The provisions of policy SP17 for secondary education are completely undeliverable. We can find no justification as to why policy SP17 at Regulation 18 could deliver both land and buildings for school with significantly larger capacity than needed for that site, whereas at Regulation 19 it could deliver only "land to meet the impact of the development".
25. The Town Council commented on the proposal for secondary school provision in our response to the Regulation 19 consultation. We pointed out that the "Land to meet the impact of the development" equates to 2.5 form entry (the same as for primary school provision). This is below the minimum size considered viable by the Department for Education.
26. Indeed, this is apparently recognised by West Berkshire Council in the 'Statement of Common Ground for Western Berkshire Councils' in Appendix 2 of the 'West Berkshire Local Plan Local Plan Review 2039 – Duty to Cooperate Statement' (Table 5 in paragraph 4.31): "Approximate provision level for new education; Secondary: 1 x 6FE per 5,000 dwellings", as well as by the West Berkshire Council School Places Plan 2010.

27. On 29th January 2024, Thatcham Town Council unanimously agreed a motion in which it resolved to:

“Vigorously press the case that any major development in Thatcham takes full account of the need to provide a purpose designed, purpose built, adequately sized Secondary School – noting that a full redevelopment of the 1950’s concrete-built Kennet School is vastly overdue; and that the School site that could become available would be sustainable for new housing that is in short walking distance of Town Centre shops and of the Railway Station on the newly electrified line to Paddington, Newbury and Reading.

28. We believe that viable provision of secondary education for North East Thatcham can only be delivered through close coordination with secondary schools in the locality, and particularly with the Equinox Learning Trust (of which Kennet School is part).
29. We also note that the draft Local Plan makes no provision for special education needs. Table 5 of the Duty to Cooperate Statement estimates this as “Special Education Needs: Approx. 1% of child population”.

(b) Will policy SP17, along with other relevant policies, be effective in ensuring that the provision is made in a timely and coordinated manner?

30. As the current Policy SP17 only calls for the provision of land for a secondary school, it cannot influence the timing of its provision. The area of land is too small to construct a viable secondary school, so is undeliverable.
31. The timely and coordinated provision of secondary education can be facilitated through a stipulation that the masterplan must safeguard sufficient land for a viable secondary school (see our Regulation 19 submission pages 48-49) and for this to be recorded on the policies map. The Town Council invites the Inspector to suggest a Main Modification to that effect.

4.6 Health care infrastructure

Related parts of Regulation 19 representations: Pages 50-52

Is the requirement of policy SP17 for a 450 sqm GP surgery on the site justified, and would it be effective in ensuring that the additional need for primary health care arising from the development can be met?

32. It is clear from the Regulation 19 submissions by Thatcham Medical Practice, the Burdwood Surgery and BOBICB that any significant development in the locality of Thatcham will require and justify additional primary healthcare capacity. However, it is also clear from those submissions that the proposed size of 450 sqm is too small to be viable. We can find no justification in any of the Local Plan evidence base for this specific size; see also our comments on question 4.2, starting on paragraph **Error! Reference source not found..**

33. The Town Council has provided substantive evidence in its Statement on Matter 1 that the Council did not comply with its statutory Duty to Cooperate with BOBICB in relation to the primary healthcare for NE Thatcham. Councillor Simon Pike provided further compelling evidence of this failure in his Statement on Matter 1. It follows that West Berkshire Council must have failed to accord with paragraphs 2.23 and 2.26 of its SCI, which address its Duty to Cooperate.

Will policy SP17, along with other relevant policies, be effective in ensuring that the provision is made in a timely and coordinated manner?

34. No, because it is not viable. The suggestion made by the Burdwood Surgery in its Regulation 19 submission to relocate to NE Thatcham should therefore be considered.

4.7 Is the requirement of policy SP17 for a 1,200 sqm indoor facility for sport and community uses on the site justified? Will policy SP17, along with other relevant policies, be effective in ensuring that the provision is made in a timely and coordinated manner?

Related parts of Regulation 19 representations: Pages 43-45

35. There is a deficit of infrastructure in Thatcham of indoor facilities for sport and community uses. The Kennet Leisure Centre is small, shares a constrained site with Kennet School, and is in need of significant refurbishment. The town has several community halls that have been provided as part of developments, but these are all basic rooms without the facilities for holding staged events.
36. The Town Council therefore believes that there is a strong justification for the provision of additional indoor facilities for sport and community uses alongside any development of North East Thatcham.
37. However, we believe that it should not be a requirement for this to be delivered on the site. Our experience in managing bookings for two halls is that they are used by residents across the town, so there is no need for this facility to be located on the development to provide the benefit to its residents. If such facilities are proposed for the town and a suitable site is available, it might be more effective for the development to contribute to this through a Section 106 Agreement.

4.8 Will policy SP17, along with other relevant policies, be effective in ensuring the provision of a comprehensive green infrastructure network on the site including outdoor formal and informal sports pitches and other areas of open space to meet the needs of the development; a new community park linking Thatcham to the AONB; and greenways through the site for walkers and cyclists?

Related parts of Regulation 19 representations: Pages 16-17

38. The section of Policy SP17 on Green Infrastructure is almost the only part that does not call for the development of a strategy or give quantified requirements. Policy SP10 Green Infrastructure provides general principles, but not in enough detail to determine

the needs of a specific development. Therefore, SP17 is fundamentally unsound in relation to Green Infrastructure.

39. This could be remedied through the development of the masterplan that is called for in paragraph 6.63 and its refencing in Policy SP17.
40. Policy SP17 states “Outdoor formal and informal sports pitches and areas to meet the identified need of the development”. However, this need is not quantified, there is no applicable policy in the draft Local Plan, and no reference to any other relevant Council Policy. TSGS3 suggests that these pitches could be provided off-site at the Henwick Worthy Sports Ground. The Town Council pointed out in both its Regulation 18 and Regulation 19 submissions that this is not feasible.

4.9 Will policy SP17, along with other relevant policies, be effective in ensuring the development proposed is sympathetic to its landscape setting, and preventing harm to the AONB and other valued landscapes?

Related parts of Regulation 19 representations: Pages 18-19

41. The area proposed for development in policy SP17 is within the setting of the North Wessex Downs AONB². Paragraph 176 of NPPF states:

“The scale and extent of development within all these designated areas *[which include AONBs]* should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
42. Neither policy SP2 ‘North Wessex Downs AONB’ nor SP17 (nor any other relevant policy) mention the setting of the AONB. Therefore, they cannot be effective in delivering these objectives for the setting.
43. The Town Council therefore invites the Inspector to consider recommending Main Modifications to add an explicit statement in policy SP17 that it is within the setting of the AONB, and to add this sentence to policy SP: “Development within the setting of the AONB should be sensitively located and designed to avoid or minimise adverse impacts on it.”
44. See also the Town Council’s response to IN6 question 3.5: ‘Is policy SP2 consistent with national policy relating to AONBs?’

² In its Statement of Case for the Planning Appeal on Land at Lawrences Lane, Thatcham, RG18 3LF (Appeal Reference: APP/W0340/W/22/3292211) West Berkshire Council stated that “The application site is located in a sensitive rural location within open countryside to the north of Thatcham that forms part of the setting of the North Wessex Downs Area of Outstanding Natural Beauty (AONB).” (CD10.1, Reason for refusal 5) A large proportion of the SP17 site is physically closer to the boundary of the AONB and more firmly in its setting than the site of that application.

4.10 Will policy SP17, along with other relevant policies, be effective in ensuring that the development will be safe from flooding for its lifetime and will not increase flood risk elsewhere?

Related parts of Regulation 19 representations: Page 20

45. Policy SP6, together with the NPPF and Planning Practice guidance appear to be sufficient to ensure that the design of the development, and particularly its sustainable drainage system (SuDS), will initially achieve these objectives. However, the wording of the bullet in Policy SP17 is very weak, and could therefore undermine the objectives of Policy SP6: “surface water management **approaches** that **could** deliver net gain for Thatcham town, **including** use of on-site sustainable drainage systems (SuDS).” (*our emphasis of the words that weaken the policy*).
46. However, the SuDS will only continue to be effective for the lifetime of the development (which will be many decades) if it is properly maintained. Neither of these policies address the maintenance of SuDS.
47. Schedule 3 of the Flood and Water Management Act 2010 provides a framework for the approval and adoption of drainage systems, an approving body (SAB), and national standards on the design, construction, operation, and maintenance of SuDS. However, this schedule has never been implemented³.
48. While the Government has indicated its intention to implement Schedule 3, the Local Plan must be based on the current legislative position. The Town Council therefore invites the Inspector to recommend a main modification to Policy SP6 to state that all developments must be subject to an enforceable agreement for the maintenance of SuDS for the lifetime of the development.

4.12 Are the requirements in policy SP17 for (a) at least 40% affordable homes and (b) a mix of house types that complies with Table 3 in the Plan on the North East Thatcham site justified, including in terms of need and viability?

Related parts of Regulation 19 representations: Page 15

49. The Town Council believes that the most pressing need in the town is for houses for social rent, which is addressed by Policy SP19. Therefore, if Policy SP17 is to reference other policies on affordable homes, there should be an explicit reference to Policy SP19 as well as SP18. We are concerned that Table 3 is in the supporting text for Policy SP18, rather than in the policy itself.

4.14 Will policy SP17, along with other relevant policies, be effective in minimising impacts on and providing net gains for biodiversity?

³ DEFRA has undertaken a review on ‘Implementation of Schedule 3 to The Flood and Water Management Act 2010’, which was published in January 2023. This review “recommends that the government must act and implement Schedule 3 to the Flood and Water Management Act 2010 as written”, but the Government has not yet committed to do so.

50. TSGS3 is uncertain whether the proposals that it contains would provide biodiversity net gain (paragraph 4.54):

“Although a detailed assessment has not been made, based on experience it is anticipated that the concept masterplan would deliver significant net gain over the current situation, based on the improvements outlined above.”

51. This uncertain conclusion is based on the assumption in TSGS3 that 32% of the site would be ‘Natural Open Space’, plus 8% of ‘Amenity Open Space’, 3% of ‘Formal Open Space’ and 7% of ‘Other Undeveloped’ (figure 66).
52. Policy SP11 ‘Biodiversity and geodiversity’ states that “Development proposals will be required to demonstrate how they conserve and enhance biodiversity and/or geodiversity including their long-term future management and deliver a minimum 10% Biodiversity Net Gain.” This is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).
53. The three areas of ‘Country Park’ on the Policies map total only around 16% of the site area⁴ - half of what was assumed in TSGS3. It is very unlikely that this will be sufficient to deliver 10% biodiversity net gain.
54. Given the location of this site in the setting of the AONB, the Town Council believes that the biodiversity net gain must be delivered on-site, and that Policy SP17 should specify this. We therefore invite the Inspector to consider recommending a MM to add “on-site” after ‘will be achieved’ to the first bullet in Policy SP17 addressing the Ecology Strategy.

4.16 Does policy SP17 set out an effective approach to masterplanning to achieve the comprehensive development of the site along with the timely and coordinated provision of infrastructure and services? In particular:

Related parts of Regulation 19 representations: Pages 56-57

(a) Is it clear who is responsible for preparing the various strategies referred to and the masterplan, what status those documents will have, and how they relate to each other and to the preparation and determination of planning applications?

55. NPPF paragraph 16 states that:

“Plans should ... contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”

In addition to the nine strategies and the masterplan referred to in the question, Policy SP17 also calls for the development of a feasibility study for secondary education provision, a Sustainability Charter, Landscape and Visual Impact Assessment and a

⁴ 27.5 hectares out of 171.8 hectares site area. In addition, the Policies Map shows around 2.2km length of ‘Green Link’. The area of this cannot be estimated, because ‘Green Link’ is not mentioned anywhere in the draft Local Plan – and its width therefore cannot be determined. If this were the same width as the 25m buffer for ancient woodland suggest in paragraph 2.61 of TSGS3, this would add 5.5 hectares, or 3% of the site area.

Mineral Resource Assessment. Policy SP17 is completely silent on what status those documents will have, and how they relate to each other.

56. Policy SP17 therefore seems to be a plan for the development of policies needed for the Development Plan Document, rather than a policy that complies with the requirements of NPPF Paragraph 16. It is impossible to determine a planning application in relation to a policy that refers to numerous supporting documents that have yet to be written, so Policy SP17 as currently written is completely unsound.
57. The Town Council does not see how Policy SP17 can be made sound until at least most of these documents have been finalised. We believe they should be either DPDs or SPDs, so that have been subject to public consultation in accordance with the Councils SCI.

(b) Will effective mechanisms be in place to ensure that all necessary physical, social and green infrastructure is provided in a timely and coordinated manner in relation to the proposed new homes?

58. Policy SP17 does not contain any provisions on the scheduling of delivery of infrastructure in relation to delivery of homes. We guess that it might be the intention that this would be addressed by some of the numerous strategies that are yet to be developed, but there is no evidence in SP17 that this would be the case.
59. The Infrastructure Delivery Plan describes itself as “This is a living document which will be updated consistently in line with the requirements of infrastructure providers.” The status of this document within planning policy is unclear. It appears to have no process for change control (i.e. how modifications to the IDP are developed and who is responsible for approving them). It is only mentioned once in the Local Development Scheme, as part of the evidence base - though how it can be both ‘evidence’ and ‘a living document’ is unclear. The first 58 pages are largely unnecessary verbiage, and the plan itself is relegated to an appendix.
60. The January 2023 version of the IDP states that it was “Published for Regulation 19 Consultation”. However, it contains substantial inconsistencies with the infrastructure described in Policy SP17 and TSGS3, as highlighted in the Town Council’s Regulation 19 representations. The table in the appendix of the IDP has a “phasing” column, but almost every entry in this column says “Currently Unknown”, “Dependent on the granting of planning permission” or similar wording.
61. The IDP in its current form does not attempt to address timeliness and coordination, and does not even correctly list all of the infrastructure called for in Policy SP17 and needed by any North East Thatcham development. The Town Council therefore invites the Inspector to conclude the current mechanisms are totally ineffective in delivering the outcomes sought by the question.
62. In our Regulation 19 representation, we suggested that modifications to Policy SP24 would go some way towards providing these effective mechanisms. However, this would only be effective if the IDP is made consistent with the Local Plan, contains time-

bound requirements for phasing, and is subject to proper change control and consultation.

4.17 Thatcham Strategic Growth Study

Related parts of Regulation 19 representations: Pages 36-39

(a) Is the requirement for proposals to respond positively to the guiding principles provided in the Thatcham Strategic Growth Study justified?

63. The Thatcham Strategic Growth Study should not be mentioned at all in Policy SP17.

64. This statement is at odds with paragraph 6.63, which states:

“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.”

Once this masterplan or development framework has been developed, proposals would need to be considered against this, which would completely supersede the Thatcham Strategic Growth Study.

65. In any case, this statement is meaningless and inconsistent with NPPF paragraph 16, as “respond positively” and “guiding principles” have no clear meaning and TSGS3 was written on the basis of 2500 homes, not 1500.

66. If TSGS3 is to be mentioned within the Local Plan, this should be in paragraph 6.63.

67. The Town Council therefore invites the Inspector to suggest two main modifications, one to add the words “informed by the Thatcham Strategic Growth Study” at the end of paragraph 6.63, and the second to replace the reference to TSGS3 in Policy SP17 with an appropriate reference to the masterplan that is yet to be developed.

68. The Town Council notes that, in its response to IN6 Q1.2, the Council refers to “a set of community workshops in 2019” to justify its compliance with its duty to cooperate. We believe that this statement is misleading, and provide supporting evidence for this in Attachment 1 to this document.

(b) If so, does it provide a clear and unambiguous approach for the preparation of a masterplan and preparation and determination of planning applications?

69. No. A masterplan is certainly required, but it is only mentioned in the supporting text for Policy SP17, whereas the numerous supporting strategies, charter and feasibility study are mentioned in the policy itself.

70. Until the masterplan and these strategies/policies are developed and approved, there will be no clear basis for the development and, more importantly, the determination of planning applications. This runs the risk of a free-for-all in planning applications.

71. The main modifications suggested in paragraph 67 would also address this issue.

4.18 Is there a reasonable prospect that development proposed at North East Thatcham could start in 2029/30, and that 1,500 dwellings could be viably developed, meeting all of the requirements of policy SP17 and other relevant policies, by 2039?

72. Policy SP17 calls for the preparation of a masterplan, nine strategies, a feasibility study for secondary education provision, a Sustainability Charter, a Landscape and Visual Impact Assessment and a Mineral Resource Assessment, many of which should have the status of an SPD (see also our comments to IN6 question 4.16). At least most of these would need to be finalised before any detailed planning application could be determined in accordance with the provisions of the Local Plan.
73. We also have concerns about the timely delivery of infrastructure, which must be in step with the pace of completion of dwellings – see section 1.1 of this document.
74. “Reasonable prospect” and “viably developed” are subjective judgements, which are dependent on commercial factors. However, we believe that there is a significant risk that development could not start by 2029/30 and that (perhaps in consequence) that 1500 dwellings could not be completed by 2039 – or indeed by 2041.

4.19 (a) Could more than 1,500 dwellings be satisfactorily accommodated on the North East Thatcham site, meeting all of the requirements of policy SP17 and other relevant policies? (b) If so, is it necessary to modify the reference in policy SP17 to refer to a different scale of development?

Related parts of Regulation 19 representations: Thatcham Town Council, Pages 39-41; Councillor Simon Pike, pages 19-22

75. There is no substantive evidence that the North East Thatcham site could satisfactorily support as many as 1500 homes, let alone more than that number. The figure of 2500 homes originates from TSGS3, but that report does not contain or make reference to any landscape or town planning justification for this number – for example, TSGS3 does not consider the impact of the location of the site in the setting of the AONB. This figure seems to be used in TSGS3 mainly for the purpose of (financial) viability assessment.
76. The SA/SEA does not consider other numbers of dwellings.
77. The Landscape Capacity Assessment (LCA) for the North East Thatcham site might have provided some insight into its potential capacity. That would require consideration of the characteristics of different parts of the site, and the impact of its location in the setting of the AONB.
78. The Town Council commented in detail on this LCA in our Regulation 19 representation. Unlike all other 32 LCAs in the evidence base, this one was undertaken on behalf of David Associates. We pointed out that this LCA states “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” and concludes that “It will be down to individual applicants to assess the capacity of individual components of the site in relation to individual planning proposals”.

79. The personal Regulation 19 representation by Councillor Simon Pike provides clear evidence that this LCA was not commissioned by the Council - unlike of the other 32 LCAs in the evidence base for the draft Local Council, which were undertaken on behalf of the Council by the same landscape expert.
80. The Town Council therefore invites the Inspector to conclude that there is no evidence on which to modify the number of 1500 dwellings that Policy SP17 proposes to be allocated. The Inspector might also conclude that there is insufficient evidence for the draft Local Plan to allocate any specific number of dwellings on the THA20 site.

4.20 Does the settlement boundary shown on the submitted policies map need to be changed around the North East Thatcham allocation? How could a new revised settlement boundary be defined on the adopted policies map following the studies and work identified in policy SP17?

Related parts of Regulation 19 representations: Pages 65-67

81. The Town Councils statement on IN6 question 3.3 considered the general shortcomings in the definition of settlement boundaries in some detail.
82. The settlement boundary for North East Thatcham that is shown on the submitted policies map is inconsistent with paragraph 6.58 of the draft Local Plan, (in the supporting text for Policy SP17):

*“The western edge of the site is adjacent to the existing Thatcham settlement boundary along Floral Way and Bath Road (A4). The eastern end of the site is adjacent to Colthrop Industrial Estate, which is contiguous with Thatcham. **The new revised settlement boundary will be defined following the studies and work identified in the policy at the application stage.**” (our emphasis)*
83. Even if these studies and work had been completed, the settlement boundary presently shown on the policies map is incompatible with the definition of Settlement Boundary in ‘Appendix 2 Settlement Boundary Review’ of the draft Local Plan of what the “boundaries will exclude”.
84. the Town Council submitted a response to the Settlement Boundary Review, but this was not considered by the Council. This response is provided to the Inspector as Attachment 2.2 to this document. We invite the Inspector to give appropriate consideration to this response.
85. We also believe that the Settlement Boundary Review did not comply with the Councils Statement of Community Involvement – see Attachment 2.1 to this document for the reasoning for this.
86. The settlement boundary proposed on the draft policies map is inconsistent with the definition in Appendix 2 (because it includes the country parks) and with TSGS3 and therefore Policy SP17 (because the area of the country parks on the policy map is half that in TSGS3). The studies called for in paragraph 6.58 have not yet been carried out.

87. Therefore, it is premature to modify the current settlement boundary – and in any case, there is no basis in policies in the draft Local Plan to define a new boundary.

4.21 Are the areas within the allocation defined on the policies map as country park and green links justified, and will they be effective in illustrating geographically the application of relevant parts of policy SP17?

Related parts of Regulation 19 representations: Pages 65-67

88. This question divides into three parts:

Are there justifications for areas of the site of THA20 to be designated as Country Park?

89. Policy SP17 calls for “A new community park linking Thatcham to the North Wessex Downs AONB”. This park would provide benefits for exercise, leisure (including dog walking) and wellbeing, and is therefore justified by NPPF paragraphs 92a), 92c), 93a), 93c), 98, 119, 120a), 126, 130c) and 130e).
90. The community park would also contribute to delivering biodiversity net gain, justified by NPPF paragraph 174d). It would minimise the impact of the development on the AONB and its setting, justified by NPPF paragraph 176 and in accordance with Section 245 of the Levelling-up and Regeneration Act 2023.
91. These provide a strong justification for a significant part of the site of THA20 to be designated as Country Park, and for this to be a major feature of the development.

Is there any justification for the specific areas shown on the policies map as country park and green links?

92. Policy SP17 mentions “A new community park”, paragraph 9.13 of Policy DM2 describes “the country park to the north of the site” (*both singular*), and TSGS3 describes “a new strategic country park for the whole town to use” and “a new country park for the whole town to enjoy”. The Town Council understands all of these as describing a major feature of the development, located and designed to provide a benefit to the town.
93. In contrast, the draft policies map shows three small and widely separated areas of ‘country park’ which are defined by the site boundary and the arbitrary contour of 110m AOD. These are connected by a strip described on the policies map as ‘green links’ These are not described in Policy SP17, or indeed anywhere else in the draft Local Plan, and their width and characteristics are unknown – or even if these are links for wildlife or for users. The ‘green link’ around Long Grove Copse represents a detour of around a kilometre.
94. It appears that these areas of country park represent ‘left-overs’ – areas that have been deemed unsuitable for housing because of their elevation – rather than a positive feature of the proposed development.

95. The Town Council therefore invites the Inspector to conclude that the specific areas of the country park and green links have no justification in policies in the draft Local Plan, and they are incompatible with it.

Will they be effective in illustrating geographically the application of relevant parts of policy SP17?

96. The three areas of country park cannot be 'effective', because they are inconsistent with policy SP17 – see our responses to questions 4.14 and 4.20. The green links cannot be 'effective', because they do not relate to any element of Policy SP17.
97. Given its importance to the development in many respects, it is remarkable that the community country park is not mentioned at all in the assessment of Policy SP17 in Appendix 5 of the SA/SEA.

4.23 Is the purpose of the North East Thatcham map in the Plan, and its relationship with the policies map, clear and unambiguous?

98. The policies map is not a development plan document as defined in legislation and guidance. Instead, the Regulations⁵ and Planning Practice Guidance make it clear that the role of the policies map is to illustrate geographically the application of policies in the development plan.
99. The 'red line' area on the North East Thatcham Map in policy SP17 appears to correspond to the extent of the site THA20 that was promoted and considered in the HELAA. The suitability assessment for this site states "Potentially suitable in part" (HELAA Appendix 4 Site Assessments, sheet 'Stage 2b Suitability', cell 259AJ).
100. 'Appendix 2 Settlement Boundary Review' describes one Principle of inclusion of land uses within a settlement boundary as "Settlement boundaries identify the main built up area of a settlement within which development is considered acceptable in principle, subject to other policy considerations." It follows that the settlement boundary should not include parts of the site that are considered unsuitable.
101. The map in SP17 excludes Siege Cross Farm and Colthrop Manor, presumably because they were not under the control of the promoters of the site THA20. However, no reason is given in Policy SP17 for their exclusion, and they do not meet the criteria in 'Appendix 2 Settlement Boundary Review' for what "Boundaries will exclude". Indeed, it is almost certain that these areas of land would be subject to some development alongside the main site – as is envisaged in paragraph 4.34 of TSGS3.
102. The map is not mentioned in policy SP17 nor its supporting text, and the policies map is only mentioned in paragraph 6.58 - to be defined following future studies and work (see our comments to question 4.20).
103. Therefore, the purpose of the North East Thatcham map in Policy SP17 is completely unclear. It is inconsistent with the policies map, and both of them are inconsistent with

⁵ The Town and Country Planning (Local Planning) (England) Regulations 2012

the supporting text of policy SP17 and the definition of settlement boundary in 'Appendix 2 Settlement Boundary Review'.

104. However, there is a more fundamental question about the settlement boundaries shown on the submission policies map. Regulation 9 of The Town and Country Planning (Local Planning) (England) Regulations 2012 provides that the adopted Policies Map must **illustrate geographically** the application of the policies in the adopted development plan (*our emphasis*). Policy SP1 'Spatial Strategy' states: "Development and redevelopment within the settlement boundaries of those settlements identified in Appendix 2 and outlined on the Policies Map will be supported."
105. It is unclear whether this wording is sufficient to comply with a requirement for a policy within the development plan that can be illustrated geographically. Policy SP1 references the list in Appendix 2 of Settlements with defined settlement boundaries, but neither provide any information on how they can be illustrated geographically. It is therefore unclear how any modifications can be made in future to the settlement boundaries in the Policies Map, because there is no policy in the Local Plan that can be amended to justify such a modification.

Attachment 1: Thatcham community stakeholder workshop

In its response to IN6 Q1.2, the Council refers to “a set of community workshops in 2019” as evidence of compliance with its duty to cooperate. We believe that this refers to an event held on 1st February 2020 (it was postponed from December due to the general election). The agenda for this event was the only information provided in advance of the event.

The Inspector will note that two of these ‘workshops’ were only 15 minutes long, and were effectively Q&A sessions. For the third ‘workshop’ the participants were divided into groups and invited to undertake a masterplanning exercise using a software tool. In our Regulation 19 representations, the Town Council expressed concern at the way that this event is described in TSGS3. We believe that the statement of the Council in IN6 Q1.2 also misrepresents the nature of the event.

This workshop did not comply with the SCI, because there was no opportunity to follow up with considered comments, and no summary of feedback was provided (as required by paragraph 2.29 fifth bullet).

Sent: 14 January 2020 14:33

To: *[Blind copied]*

Subject: Invitation to Thatcham community stakeholder workshop - Saturday 1 February

Importance: High

Dear stakeholder,

West Berkshire District Council (WBDC) is reviewing its local plan, which will guide housing and employment development in the district up to 2036.

WBDC wants to look in more detail at potential strategic growth options around Thatcham. As part of this process the council has appointed consultants to prepare a study of masterplan options.

As part of this study, WBDC is holding a focussed, community representatives workshop. As an important part of the local community, the council would very much welcome your attendance/the attendance of representatives from your organisation at the event. This is a chance for you to help shape the future of Thatcham.

Some information on the workshop is attached for your information and the format of the day is set out below.

Tea, coffee and refreshments, including lunch, will be provided throughout the day.

Please respond to this email by **Wednesday 22 February**, indicating whether or not you can attend. If you are responding on behalf of an organisation, please provide the name(s) of who will be attending. Depending on responses, we may need to limit the number of representatives per organisation.

Many thanks,

Planning Policy Team Leader

West Berkshire Council

	AGENDA – SATURDAY 1 FEBRUARY, REGENCY PARK HOTEL, THATCHAM	
	<i>Arrival and refreshments</i>	09.30
1	Welcome and introductions	10.00
2	West Berkshire Local Plan Review	10.05
3	Purpose of the masterplanning commission and workshop	10.20
4	Workshop 1 – Understanding Thatcham <i>Presentation of findings and research by the study team, separate group discussions to focus on local knowledge of the area and potential site(s).</i>	10.30
5	Workshop 1 Feedback	11.15
	<i>Coffee Break</i>	11.30
6	Workshop 2 - Developing Principles for Future Strategic Growth <i>Group discussions will develop principles for possible strategic development that reflect and could deliver their aspirations for Thatcham</i>	11.45
7	Workshop 2 Feedback	12.30
	<i>Lunch</i>	12.45
9	Workshop 3 – Exploring the potential <i>Separate group exercise to understand the development potential, and on-site infrastructure required using the digital masterplanning tool CHLOE</i>	13.15
10	Workshop 3 Feedback	14.45
11	Summing up and next steps	15.15
	<i>Close</i>	15.30

Attachment 2: Supporting information on the Settlement Boundary Review

A2.1 Consultation on the Settlement Boundary Review

1. The Settlement Boundaries for West Berkshire are documented in a layer on the Policies Map, and are therefore an integral part of it. The Policies Map is not a development plan document, and is therefore not directly within the Council's Statement of Community Involvement (SCI). However, Regulation 9 of The Town and Country Planning (Local Planning) (England) Regulations 2012 provides that the adopted Policies Map must illustrate geographically the application of the policies in the adopted development plan. Any consultation on settlement boundaries is therefore implicitly a consultation on those policies.
2. As part of its Local Plan Review (LPR), the Council undertook a review of the settlement boundaries (SBR) across the District, which is described in the Settlement Boundary Review Background Paper (dated Dec 2022, though we believe that this was only published in December 2023). This states (in paragraph 20) that:

“The council prepared maps showing the proposed new settlement boundaries and set out in Appendix 3) and undertook further consultation with town and parish councils and NDP groups for those settlements within their particular town or parish.” 1. This Consultation was for six weeks from 9 March to 21 April 2021.
3. Bucklebury Parish Council has raised concerns in its Regulation 19 submission that it was not consulted on the proposed modifications to the settlement boundary for NE Newbury, even though it considered that its parish would be adversely affected by that proposal. It also appears that Cold Ash Parish Council was not consulted on the proposed settlement boundary for Thatcham, even though the settlement boundary for the town of Thatcham extends into the parish of Cold Ash.
4. Thatcham Town Council developed a response to this consultation, which was approved by a meeting of its Full Council on 29th March 2021 and duly submitted by the Town Clerk. However, the table in Appendix 2 of the Background Paper states “No response received” from Thatcham Town Council. It is extremely disappointing that the Town Council's submission was apparently lost by the Council, and was not considered. This response is provided to the Inspector as Attachment 2.2.
5. It follows that:
 - i) The settlement boundaries form one 'layer' of the Policies Map. The Policies Map must illustrate geographically the application of policies in the development plan. Therefore, a consultation on settlement boundaries inherently constitutes a consultation on those policies.
 - ii) In its settlement boundary review, the Council did not hold any open consultation. It did not take into account all of the comments that it received, and did not even consult all parish councils whose parish might be affected by a particular settlement boundary.
 - iii) The Council therefore did not comply with paragraphs 2.2, 2.17 and 2.21 of its SCI.

6. The Council also did not comply with the statutory requirements for consultation on the DPD policies relating to the Policies map, and therefore did not comply with paragraph 2.22 of the SCI.

A2.2 Comments of Thatcham Town Council on the Settlement Boundary Review consultation

Thatcham Town Council received a letter from West Berkshire Council on 9th March 2021, asking: “We are now seeking your views on the proposed new boundaries”, together with four maps showing the new settlement boundaries proposed for Thatcham.

The Town Council agreed its response at its meeting of Full Council on 29th March 2021, which was duly submitted by the Town Clerk. However, the Settlement Boundary Review (SBR) Background Paper of December 2022 incorrectly states for Thatcham “No response received”. The views of the Town Council were therefore not taken into account by West Berkshire Council.

The comments submitted by the Town Council are therefore attached below.

Comments of Thatcham Town Council on the Settlement Boundary Review (SBR)

Consultation with town/parish councils & neighbourhood planning groups

1 Position of Thatcham Town Council

Thatcham Town Council objects strongly to the proposed settlement boundary for North East Thatcham, as attached to an email from West Berkshire Council on 9th March 2021. The Council opposes the proposal for development to the north east of Thatcham, as described in Policy SP 17 of the ‘Local Plan Review 2020 - 2037: Emerging Draft’. Furthermore, this proposed settlement boundary is contrary to several of the policies in this ‘Emerging Draft’ document, as well as to numerous other supporting evidence documents to the local plan.

The Council is also of the view that this consultation does not satisfy the statutory duties of West Berkshire Council under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 and Section 18 of the Planning and Compulsory Purchase Act 2004, in accordance with its Statement of Community Involvement. We therefore look forward to a further consultation on this matter that is open to residents of Thatcham and other stakeholders.

West Berkshire Council therefore has no basis at the present time for proposing to move the settlement boundary for North East Thatcham from the line in the current local plan - of Floral Way and the A4.

Thatcham Town Council requests that, in accordance with the policies in the ‘Emerging Draft’ document and the criteria in Appendix 3, the settlement boundary for West Thatcham should be moved to exclude the Henwick Worthy playing field and the garden centre. The Council supports the remainder of the proposed settlement boundary for Thatcham⁶.

2 Status of this consultation

The term ‘settlement boundary’ is not defined or used in legislation or in the National Planning Policy Framework, but is widely used in local plans across England. This response is based on the definition of

⁶ We note that supporting text for the settlement boundary will need to provide the rationale for, and define the width of, the reduction in boundary to the south of Lower Way.

‘settlement boundary’ in Appendix 3 of the ‘Emerging Draft’ (also included in the covering letter to this consultation):

“Settlement boundaries are a long established planning tool. They identify the main built up area of a settlement within which development is considered acceptable in principle, subject to other policy considerations. While allowing for development, settlement boundaries protect the character of a settlement and prevent unrestricted growth into the countryside. They create a level of certainty about whether or not the principle of development is likely to be acceptable.”

We suggest that this definition is included in the Glossary (Appendix 10) of the draft version of the LPR.

We assume from policy SP 1 that the settlement boundaries will be included in the Policies Map, which we understand has the status of a supplementary planning document. It is unclear why Appendix 3 is referenced from this policy, since this appendix describes a process for review and is written in the present tense; we therefore assume that it will not in its present form become part of the Local Plan.

Thatcham Town Council notes that, in February 2020, West Berkshire Council asked Town and Parish Councils to provide input to its review of settlement boundaries. The Council was not able to respond due to the disruption of the first coronavirus lockdown. The accompanying guidance note provided five issues that the Councils ‘may like to consider’; it does not mention the HELAA at all, or give any indication that future development would be a criterion in the review of settlement boundaries. Thatcham Town Council now confirms that, on the basis of the request made in the guidance note, it would have informed WBC that there was no justification for expanding the settlement boundary of Thatcham.

This consultation does not comply with West Berkshire Council’s Statement of Community Involvement (revised January 2020). It therefore does not fulfil the requirements of Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012. This is considered in more detail in section 4 of this document.

3 The proposed Settlement Boundary for North East Thatcham

The settlement boundary for North East Thatcham proposed in the current consultation includes the whole of HELAA site THA 20, as shown in Figure 6 of the ‘Emerging Draft’ document. The settlement boundary is defined (see above) as “the main built up area of a settlement within which development is considered acceptable in principle”, which creates “a level of certainty about whether or not the principle of development is likely to be acceptable”.

However, Policy SP 17 explicitly states that THA 20 “will include a new strategic country park linking Thatcham to the plateau and the AONB”. This principle is developed in the Thatcham Strategic Growth Study Phase 3, which offers a concept plan for a possible development of north east Thatcham. This includes “a new strategic country park for the whole town, linking Thatcham to the plateau and AONB”, with “approximately 50% of the site given over to green open space of different types”.

Policy SP 17, for the North East Thatcham Strategic Site Allocation, is woefully inadequate, with only 243 words to describe a development of 2500 houses. The Supporting Text focusses entirely on the history and geography of Thatcham, and does not provide any additional description or explanation of the proposed housing allocation. In contrast, policy RSA 23, for five houses, is 403 words in length.

The definitions of settlement boundary’ and ‘development’ that are used in the ‘Emerging Draft’ document require that the “new strategic country park” must be outside of the settlement boundary. These terms and related concepts are used extensively in the ‘Emerging Draft’ document, the supplementary planning documents and supporting documentation.

The Thatcham Strategic Growth Study Phase 3 is not a supplementary planning document within the meaning of The Town and Country Planning (Local Planning) (England) Regulations 2012. It therefore cannot be used

as the basis of new settlement boundary. In any case it does not describe the proposed layout of the development in sufficient detail and precision for the purposes of a Local Plan.

The table below identifies some of the many inconsistencies between the proposed settlement boundary for North East Thatcham and statements in policies and their supporting text of the 'Local Plan Review 2020 - 2037: Emerging Draft', supplementary planning documents and supporting documentation. These numerous inconsistencies demonstrate that, even if the North East Thatcham Strategic Site Allocation is included the draft Local Plan, the settlement boundary cannot extend to include the whole of site THA 20.

It may be that, "as work on the Local Plan Review progresses", some of these inconsistencies will be addressed in further development of Policy SP17. However, Thatcham Town Council can only respond to this consultation on the basis of this policy as it now stands, in the 'Local Plan Review 2020 -2037: Emerging Draft' of December 2020.

Elements of West Berkshire Council policies relevant to the proposed Settlement Boundary for North East Thatcham					
Note: all bold emphasis in the text is added for this response, to highlight the relevant parts of text					
#	Document	Section/reference	Text	Observations	Inconsistencies and contradictions
1	Emerging Draft Local Plan	Policy SP1 Spatial Strategy	There will be a presumption in favour of sustainable development and redevelopment within the settlement boundaries of those settlements identified in Appendix 3 and outlined on the Policies Map.	There is a presumption in favour of housing for all land within the settlement boundary unless the specific area of land is in a category that is specifically excluded.	There are no specific areas defined in SP 17 or other documents as green space. Therefore the whole of site THA 20 would be open to development. This is contrary to the finding of the Thatcham Strategic Growth Study: stage 3 Report
2	Emerging Draft Local Plan	Policy SP1 Spatial Strategy	The strategy: optimises the density of development to make the best use of land whilst conserving and enhancing the distinctive character and identity of the built, historic and natural environment	The policies in the Emerging Draft document do not define which parts of the area are necessary to conserve the natural environment. According to #1, there is therefore a presumption that development can occur anywhere within the settlement boundary.	The policies in the Emerging Draft document therefore do not deliver the spatial strategy in policy SP 1.
3	Emerging Draft Local Plan	Policy SP1 Spatial Strategy	Opportunities will be taken to maintain and enhance the identity of Thatcham separate to that of Newbury and its surrounding rural settlements.	The proposed settlement boundary does not exclude the land necessary to maintain the separate identities of Thatcham and Cold Ash.	If the settlement boundary includes all of site THA 20, there is no assurance that the separation between Thatcham and Cold Ash will be preserved; the statement in #1 states there is a presumption in favour of development anywhere within the settlement boundary.

4	Emerging Draft Local Plan	Policy SP1 Spatial Strategy	Within Newbury, Thatcham, Tilehurst, Purley on Thames and Calcot developments are expected to secure a net density of at least 35 dwellings per hectare ...	It is clear from this statement that 'development[s]' describes an area designated for housing.	If this meaning of 'development' is applied elsewhere in the Emerging Plan document, this results in internal contradictions – see for example #1.
5	Emerging Draft Local Plan	Policy SP 7 Design Principles	... development proposals will be in accordance with all of the relevant following design principles: Context – development will be landscape-led, conserving and enhancing the landscape character and historic context of both the site and its wider surroundings in accordance with policies SP8 and SP9;	The proposed settlement boundary takes no account of the design principles in SP8 and SP9, the West Berkshire Landscape Character Assessment, or the Thatcham Strategic Growth Study: stage 3 Report.	There is a contradiction between this statement and the statement in SP1 that there is a presumption in favour of development anywhere within the settlement boundary (see #1).
6	Emerging Draft Local Plan	Policy SP 8 Landscape Character	Development should be demonstrably informed by and respond positively to the evaluation of the distinctive landscape character areas set out in the West Berkshire Landscape Character Assessment (2019)		See #5.
7	Emerging Draft Local Plan	Policy SP 17 North East Thatcham Strategic Site Allocation	Development of the site will be expected to deliver: A network of green infrastructure which will include a new strategic country park linking Thatcham to the plateau and the AONB	This is the only statement in the draft Local Plan or forming part of it by reference that mentions a 'strategic country park'. There no further description of what is envisaged.	Under the wording of the policies in the draft Local Plan, there is a presumption in favour of housing anywhere within the settlement boundary. This statement in SP 17 is therefore at odds with those other policies. See #1 and #5.
8	Emerging Draft Local Plan	Policy DC 1 Development in the countryside	Planning permission will not be granted where a proposal harms or undermines the existing relationship		If the settlement boundary extends over the whole of site THA 20 there is no protection of views of the natural

			of a settlement within the open countryside, where it does not enhance the character and distinctiveness of the rural area, including the special qualities and natural beauty of the landscape of the AONB		beauty of the landscape of the AONB from Thatcham, or the views of the Kennet valley from the AONB. See #13.
9	Emerging Draft Local Plan	Policy DC 14 Trees, woodland and hedgerows	Development should buffer any ancient woodland and veteran trees it affects by providing sufficient space to afford surrounding protection and allow for future growth and expansion where possible.		See #3.
10	Emerging Draft Local Plan	Appendix 3 Settlement Boundary Review	Boundaries will exclude: Highly visible areas such as exposed ridges, land forms or open slopes on the edge of settlements		The proposed settlement boundary is directly in conflict with this statement, when taken with #13, #15, #16, #17 and #18.
11	Emerging Draft Local Plan	Appendix 3 Settlement Boundary Review	Boundaries will exclude: Recreational or amenity open space which extends into the countryside or primarily relates to the countryside in form and nature.		The proposed settlement boundary is directly in conflict with this statement, when taken with #15, #16, #17 and #18.
12	Emerging Draft Local Plan	Appendix 3 Settlement Boundary Review	Maps of individual settlements will be included in the Draft Local Plan Review 2020-2037 due to be published in Spring 2021.		If this statement refers to the Regulation 19 draft, then it is incompatible with West Berkshire Council's Statement of Community Involvement.
13	West Berkshire Landscape Character	Landscape Character Area WH4: Cold Ash	The woodlands along the east-west ridge create a unifying backdrop for the larger settlements to the south of	It is notable that the land to the north of the A4 and Floral Way (which includes the proposed North	(i) In the first part of this statement, the woodlands would be obscured if

	Assessment (2019)	Woodland and Heathland Mosaic 'Valued Features and qualities'; P176 <i>(note that this area includes the whole of the proposed North East Thatcham Strategic Site)</i>	the area and within the AONB to the north. Views from the ridge are frequently limited by tree cover, creating a secluded character, but open locations provide views south to similar woodland and heathland mosaic forming the southern side of the Kennet valley , and north to AONB chalk downland rising to a wooded ridge to the north of the Pang. Open farmland on the lower slopes contributes to a sense of separation between the elevated character area and the towns of Thatcham and Newbury in the valley below.	East Thatcham Strategic Site Allocation) is included in the same Landscape Character Area as Cold Ash to the north, and is therefore considered to have the same general character.	the housing extends to the top of the settlement boundary. (ii) In the second part of this statement, the views would be obscured if the housing extends to the top of the settlement boundary. (iii) In the third part of this statement, the character of the landscape on the lower slopes would be destroyed if development is permitted, and the sense of separation between the elevated area and the town of Thatcham would be lost.
14	Thatcham Strategic Growth Study: stage 3 Report	Paragraph 2.61	Guidance is to maintain a buffer equivalent to the height of the trees in the woodland. As such a conservative buffer of 25m has been applied to all ancient woodland areas.	Policy SP17 does not mention any buffer, or show it on the map. This is unlike other policies for sites adjacent to ancient woodland. Section 2 of the Growth Study report is only descriptive	The lack of any mention of ancient woodlands or a buffer, unlike policies for other sites, suggests that it is not needed. This is contrary to policy DC 14 – see #9.
15	Thatcham Strategic Growth Study: stage 3 Report	Page 61: 'Neighbourhoods'	Siege Cross: Open 'down-land' country park sat on high ground with views and connection to centre	This confirms that the country park would be between the housing and the AONB to the north.	According to the definition of settlement boundary in Appendix 3 of the Emerging Draft Local Plan, the country park should therefore be outside of the settlement boundary. See #11.
16	Thatcham Strategic Growth Study: stage 3 Report	Page 62, paragraph 4.7	NE Thatcham has the potential to accommodate: Approximately 50% of the site given over to green open space of different types		See #15.

17	Thatcham Strategic Growth Study: stage 3 Report	Page 65, paragraph 4.9	The core of the concept is the creation of a strategic green space on the slopes and tops above the main body of the development.		See #15.
18	Thatcham Strategic Growth Study: stage 3 Report	Page 98, paragraph 6.7	If the concept masterplan was followed through, it could deliver: A new strategic country park for the whole town, linking Thatcham to the plateau and AONB above the slopes		See #15.

4 Compliance of this consultation with statutory requirements

Section 18 of the Planning and Compulsory Purchase Act 2004 states that “The local planning authority must prepare a statement of community involvement”. The West Berkshire Council Revised Statement of Community Involvement (SCI) was adopted in January 2020.

It is clear from Section 5 of The Town and Country Planning (Local Planning) (England) Regulations 2012 that the maps of settlement boundaries that are the subject of this consultation are either draft Development Plan Documents (DPDs), or precursors to draft DPDs (this section is copied below). It is clear from paragraphs 2.2 to 2.4 of the SCI (copied below) that West Berkshire Council will consult with the public and stakeholders as “a continuous process rather than one discrete exercise”. As this is stated in the SCI, it becomes a statutory obligation under Section 18 of the Act.

It appears that this consultation has only been sent to town/parish councils & neighbourhood planning groups. It is unclear from the covering letter whether the status of the maps in this consultation are intended to be draft DPDs or precursors to draft DPDs. Whichever is the case, West Berkshire Council is required under its SCI to hold a public consultation on its proposals for settlement boundaries.

Section 5 of The Town and Country Planning (Local Planning) (England) Regulations 2012

(1) For the purposes of section 17(7) (za) F1 of the Act the documents which are to be prepared as local development documents are—

- (a) any document prepared by a local planning authority individually or in cooperation with one or more other local planning authorities, which contains statements regarding one or more of the following—
 - (i) the development and use of land which the local planning authority wish to encourage during any specified period;
 - (ii) the allocation of sites for a particular type of development or use;
 - (iii) any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i); and
 - (iv) development management and site allocation policies, which are intended to guide the determination of applications for planning permission;
- (b) where a document mentioned in sub-paragraph (a) contains policies applying to sites or areas by reference to an Ordnance Survey map, any map which accompanies that document and which shows how the adopted policies map would be amended by the document, if it were adopted.

(2) For the purposes of section 17(7) (za) of the Act the documents which, if prepared, are to be prepared as local development documents are—

- (a) any document which—
 - (i) relates only to part of the area of the local planning authority;
 - (ii) identifies that area as an area of significant change or special conservation; and
 - (iii) contains the local planning authority's policies in relation to the area; and
- (b) any other document which includes a site allocation policy.

Extract from The West Berkshire Council Revised Statement of Community Involvement (January 2020)

2.2 As part of the continued preparation of the West Berkshire Local Plan and its supporting documents we acknowledge the importance of involving the public and stakeholders at the earliest possible stage and recognise that their involvement should be a continuous process rather than one discrete exercise.

What types of documents can you influence?

2.3 As part of the plan making process we will be preparing and consulting on the following types of documents that will be subject to the principles contained in this SCI.

Development Plan Documents (DPDs)

2.4 These are the core of our Local Plan and contain the key policies that guide future development in the District. The statutory requirements for their preparation are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Examination of West Berkshire Local Plan 2022-2039
Statements of Thatcham Town Council in response to
Inspector's questions in document IN6

Matter 5: Sandleford Park strategic site (policy SP16)

*This statement was approved by the meeting of Planning and Highways
Committee of Thatcham Town Council on 12th March 2024*



1 Introduction

1. Thatcham Town Council only comments on Matter 5 in relation to consistency of approach between policies SP16 and SP17.

2 Statements on Matter 5

5.1 Is it necessary to modify the reasoned justification to policy SP16 to refer to the West Berkshire Strategic Vision 2050 in order to make the Plan sound?

2. In our response to IN6 question 4.2, we explain why there is a strong justification for NOT adding any reference to the Strategic Vision 2050 in the Local Plan.

5.6 Is the Newbury settlement boundary defined on the policies map justified in relation to the allocation, and will it be effective in the implementation of policy SP16?

3. We note that Policy SP16 states that the "country park ... will be retained outside of the settlement boundary for Newbury". In contrast, Policy SP17 and the draft Policies Map for North East Thatcham show its country park within its settlement boundary. The settlement boundaries for Sandleford and North East Thatcham should be based on the same definition. The settlement boundary for Sandleford is the correct one, as it is consistent with the definition in Appendix 2 of the draft Local Plan:

"Boundaries will exclude ... Recreational or amenity open space which extends into the countryside or primarily relates to the countryside in form and nature."

Examination of West Berkshire Local Plan 2022-2039
Statements of Thatcham Town Council in response to
Inspector's questions in document IN6

Matter 6: Non strategic housing allocations

This statement was approved by the meeting of Planning and Highways Committee of Thatcham Town Council on 12th March 2024



Policy RSA5 - Lower Way, Thatcham

6.10 Is there clear evidence to indicate that 85 dwellings will not be built on allocation RSA5 by 2026/27?

6.11 Are the development parameters in policy RSA5 justified, and will they be effective in achieving sustainable development on the site (if the current planning permission is not implemented)?

Related parts of Regulation 19 representations: pages 78-79

1. Full approval has been given by West Berkshire Council by 18/00964/FULEXT for 91 dwellings on this site (not 85 dwellings, as in Policy RSA5). Construction of this development is already well underway.
2. Unfortunately, the Town Council does not believe that the conditions of this approval are effective in achieving sustainable development on the site. At the meeting of The Council's Eastern Area Planning Committee on 26th January 2022, the Town Council made this statement:

"Policy CS15 states that from 2016, residential development shall be zero carbon, 'in line with stated Government aspirations'. Last December, the Government published "The Building Regulations etc. (Amendment) (England) Regulations 2021", which deliver a 30% improvement on 2013 standards. These Regulations are not yet in force, but this is a legal commitment, which is far stronger than a 'stated aspiration'.

The Report Pack states that the applicant has committed to a 20% reduction in CO₂ emissions. This is insufficient to comply with policy CS15, taken with the new Regulations. As West Berkshire Council has declared a Climate Emergency, we expect it to apply this critical policy in full."

3. Regrettably, the application was approved with a condition of only a 20% reduction in CO₂ emissions.

Examination of West Berkshire Local Plan 2022-2039
Statements of Thatcham Town Council in response to
Inspector's questions in document IN6

Matter 7: Housing land supply

This statement was approved by the meeting of Planning and Highways Committee of Thatcham Town Council on 12th March 2024



Statements on Matter 7

- 7.1 Are the Council's proposed modifications to the reasoned justification to policy SP12 aimed at clarifying the overall housing land supply necessary to make the Plan sound and are they, in principle (irrespective of the figures), effective in that regard?**

Related parts of Regulation 19 representations: 26-29

1. We believe that the policies in the Local Plan should reflect that actual situation for overall housing land supply, and therefore agree that the principle of the proposed modifications is justified.

- 7.6 Is the assumption that a total of 1,720 dwellings will be completed in the plan period on the 9 new allocations in the Plan justified?**

2. See our comments in our introduction to our comments on Matter 4 and our responses to the relevant questions.

- 7.8 Does a windfall allowance of 140 dwellings per year represent a reliable source of supply having regard to the strategic land availability assessment, historic delivery rates and expected future trends?**

3. In our response to IN6 questions 4.5 and 4.6 we identify two additional sources of windfall supply on the present sites of Kennet School and the Burdwood GP surgery. These might arise as a result of measures to make Policy SP17 sound in relation to provision of primary healthcare and secondary education.
4. We do not understand why "No allowance is made for windfalls of 10 or more dwellings". Surely, larger windfalls will make a larger contribution to supply.

Examination of West Berkshire Local Plan 2022-2039
Statements of Thatcham Town Council in response to
Inspector's questions in document IN6

Matter 8: Requirements of housing developers

This statement was approved by the meeting of Planning and Highways Committee of Thatcham Town Council on 12th March 2024



Statements on Matter 8

8.7 Are the requirements in policy DM4 relating to energy efficiency, space heat demand, net zero carbon operational energy, and carbon offsetting for all residential development consistent with national policy or otherwise justified?

Related parts of Regulation 19 representations: page 20

1. Both the Council and the Town Council have declared a climate emergency. We believe that this provides a strong justification for the requirements in policy DM4.
2. We note the decision of 20th February 2024 of the Administrative Court Planning Court in the judicial review of the Inspectors' Report into the Salt Cross Garden Village Area Action Plan, [2024] EWHC 359 (Admin)¹.

8.8 Are the requirements for residential development relating to water quality, water resources and waste water in policies DM6 and DM7 justified and consistent with national policy? In particular:
(b) The requirement in policy DM7 for all new dwellings to meet the optional Building Regulations requirement of 110 litres/person/day.

Related parts of Regulation 19 representations: pages 24-25

3. The West Berkshire Water Cycle Study – Phase 2, prepared by JBA Consulting provides a strong justification for the requirement in policy DM7 of 110 litres/person/day, and a sound justification for a lower requirement for NE Thatcham:
“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.”
4. See the Town Council's comments in its Regulation 19 submission.

¹ <https://www.bailii.org/ew/cases/EWHC/Admin/2024/359.html>

8.19 Are the requirements in policy SP24 for residential development to make contributions to the delivery of all relevant infrastructure projects included in the Council's Infrastructure Delivery Plan justified and consistent with national policy?

Related parts of Regulation 19 representations: pages 43-45, 56-57

5. A requirement for residential development to make contributions to the delivery of all relevant infrastructure projects included in the Council's Infrastructure Delivery Plan is both justified and necessary, and is consistent with national policy.
6. However, the Town Council is concerned that the Infrastructure Delivery Plan that was "Published for Regulation 19 Consultation" contains substantial inconsistencies with the infrastructure described in Policy SP17 and TSGS3, as highlighted in the Town Council's Regulation 19 representations. See our comments to IN6 question 4.16.
7. We are also concerned that there appears to be no process for change control of the Infrastructure Delivery Plan and therefore to ensure that it continues to deliver the "Phasing and specific infrastructure requirements" that are called for by policy SP24.

Examination of West Berkshire Local Plan 2022-2039
Statements of Thatcham Town Council in response to
Inspector's questions in document IN6

Matter 9: Other housing development management policies

This statement was approved by the meeting of Planning and Highways Committee of Thatcham Town Council on 12th March 2024



9.4 Is policy DM21, which states that proposals that would result in the loss of a mobile home park either in part or full will not be permitted unless it would provide 100% affordable housing which will meet locally identified needs, justified?

Related parts of Regulation 19 representations:

1. The parish of Thatcham has two mobile home parks – Elm Grove Park and Crookham Park. These provide low cost home ownership for older residents at prices well below comparable any 'bricks and mortar' property in the area (both sites have a lower age limit for residents of 50 years).
2. 'Affordable housing' can mean only that developers can commit to selling homes at least 20% below local market value. This is still likely to be significantly above the cost of the lost mobile homes. It is therefore essential that this is qualified by "which will meet locally identified needs". The residents of a mobile home park who stand to lose their home clearly have a particular need, which should be explicitly recognised.
3. The Town Council therefore invites the Inspector to suggest a Main Modification, to add at the end of Policy DM21 the following words: "and in particular the needs of the residents of that mobile home park".

Examination of West Berkshire Local Plan 2022-2039
Statements of Thatcham Town Council in response to
Inspector's questions in document IN6

Matter 11: Economic development

This statement was approved by the meeting of Planning and Highways Committee of Thatcham Town Council on 12th March 2024 and the Town Centre Committee on 18th March 2024



Statements on Matter 11

11.5 Will policies ESA1 to ESA6 be effective in ensuring that each allocation is developed in a satisfactory manner?

Related parts of Regulation 19 representations: page 21

1. Thatcham Town Council only comments on Policy ESA1.
2. A full planning application has been submitted for this site by Thames Valley Police for a logistics hub:

23/02965/FULMAJ: The proposed Development is a Logistics Hub comprising a three-storey block of approximately 7,800 square metres Gross Internal Area (GIA) accommodating offices, laboratories and associated ancillary uses; a yard; a garage and storage building; a single-storey gatehouse; and associated internal access roads, car and cycle parking, landscaping, lighting, drainage and boundary treatments. | Land East of Goddards Road and 2 Gables Way Thatcham
3. The Planning and Highways Committee of the Town Council considered this application at its meeting on 13th February 2024, and resolved to support the application subject to three small design conditions.
4. Policy ESA1 notes that "The design and layout should also take into account the site's position as a gateway into Thatcham". We believe that this logistics hub, in conjunction with the proposed landscaping, will provide a fitting 'gateway' to the town – much more fitting than a likely alternative use for warehousing.
5. It is likely that this planning application will be determined in accordance with the current local plan. However, this application would not comply with two provisions of ESA1:
 - The floorspace is substantially less than the "approximately 20,400 square metres of employment floorspace" stipulated in ESA1 (probably still less than 10,000 sqm if the garage and gatehouse are included).
 - The access will be from Gables Way, rather than the A4.

We are surprised that this proposed logistics hub would not be in accordance with policy ESA1, and we suspect that the (remarkably precise) area of 20,400 sqm is based on one particular application within B2 and B8 uses – i.e. warehousing.

The Town Council therefore invited the Inspector to consider whether parameters a. and b. of Policy ESA1 are too prescriptive for the full range of potential B2 or B8 uses, and to suggest a main modification to address this.

11.9 Is the hierarchy of town centres identified in policy SP22 justified?

6. The Town Council agrees that it is appropriate to categorise the centre of Thatcham as a 'Town Centre' in the hierarchy of centres.

11.10 Are the boundaries to each town centre and primary shopping area defined on the policies map justified?

7. The Council has commissioned Hemingway Design to develop a Thatcham Town Centre Strategy, which has been made available to the Inspector as document EXAM9. The map in its report shows a substantially larger area than in the draft policies map. This area is appropriate for a study but is less suitable for a planning policy. It includes a significant number of houses on the periphery, but does not include some office premises at the southern end of The Broadway or business premises on the northern side of Chapel Street.
8. In attachment 1, we provide a map and invite the Inspector to consider this as the recommended boundary for Thatcham Town Centre on the policies map. We would be happy to explain the rationale for this boundary (both for what it includes and what it excludes).
9. Crown Mead is a parade of shops adjacent to the A4 just to the west of the town centre, and quite closely connected to it. We invite the Inspector to consider whether it should also be marked on the policies map as a primary shopping area.

11.11 Is the approach in policy SP22 to considering development proposals within the town centres and primary shopping areas justified and consistent with national policy?

10. The Glossary of NPPF defines 'Town Centre' as:

"Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area",

and 'Main Town Centre Uses' as:

"Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)."

11. Policy SP22 refers both to 'Class E' which includes most of these uses, and 'retail' which is only one of them.

12. Thatcham town centre has a mix of retail and other uses, including pubs, restaurants, takeaways, bookmakers and professional services. Some of the other 'main town centre uses' are not applicable to Thatcham, and a few are inappropriate (e.g. drive-through restaurants). The character of the town centre is a reflection of that mix.
13. Thatcham Town Council believes the approach of Policy SP22 to considering development proposals within the town centres and primary shopping areas is justified but could be clearer on the types of use to be supported and the types that will only be permitted exceptionally. This could in principle differ between town centres, reflecting their different characters.

Attachment 1: Policies Map: the suggested boundary of Thatcham Town Centre

