



# Examination of West Berkshire Local Plan 2022-2039

## Matters (1-3) Statement on behalf of Bucklebury Parish Council

February 2024



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## **Executive Summary**

- i. These representations are made on behalf of Bucklebury Parish Council (BPC) in response to the regulation 19 Consultation for the West Berkshire Council (WBC) Local Plan Review (LPR). The representations set out that there are multiple significant flaws in the regulation 19 version of Local Plan Review which are incapable of being remedied prior to the submission of the document for examination. The Local Plan Review, and accompanying evidence base, is fundamentally unsound for numerous reasons as set out within these detailed representations.
- ii. These representations have been prepared with significant input from experts on a variety of technical matters. Technical reports have been prepared by Yes Engineering in relation to highways and the Nature Bureau in relation to biodiversity and ecology and are appended to these representations.
- iii. The representations have been informed by ongoing consultation with the residents of Bucklebury and the surrounding area who have detailed knowledge of the history and constraints of Northeast Thatcham. This has uncovered a substantial lack of logic in the decision-making process to allocate the area to the Northeast of Thatcham for significant housing growth.

## 1. Matter 1 – Legal and procedural requirements and other general matters

**Q1.1. 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?**

- 1.1.1 Yes. BPC raised significant concerns on matters relating to duty to cooperate within its regulation 19 submission. Significant concerns were raised around the lack of consultation on key evidence base documents such as the Settlement Boundary Review.

**Q1.2. 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?**

- 1.2.1 It is clear that concerns have been raised by both Bracknell Forest Borough Council and Basingstoke and Deane Borough Council in relation to cross boundary issues. There is no evidence that the council has worked on a proactive and ongoing basis to resolve these matters in advance of the examination.
- 1.2.2 Of more significant concern is the lack of engagement with the Atomic Weapons Establishment and specifically the Detailed Emergency Planning Zone for AWE Burghfield. This is acknowledged in the council response to PQ3 of the Inspector's Preliminary Questions (IN2) where it is stated that the council *will continue to work proactively with emergency planners* in this regard.
- 1.2.3 No evidence is provided in the form of a Statement of Common Ground to indicate what work, if any, has been undertaken on this basis. Given the importance of this matter significant failings have occurred with the Duty to Cooperate in advance of submission of the plan and this is not a matter which can be remedied through modifications to the plan.
- 1.2.4 In specific relation to policy SP17 and the requirement for a primary healthcare facility, BPC has raised significant concerns about its deliverability and suitability. There is no evidence that WBC has carried out a Health Impact Assessment or carried out any discussions with healthcare providers to assess the proposed facility or whether it can be delivered. There has been no approach by WBC to any local GP practice to discuss relocation or floor space requirements.
- 1.2.5 BPC has the benefit of direct advice from a recently retired local GP who is able to attend the hearings and provide first hand evidence to the inspector on this matter.
- 1.2.6 There is a similar lack of engagement on the consultation carried out in relation to the school provision at North East Thatcham and how this will be delivered.
- 1.2.7 These concerns point to significant failings in the consultation process to date and must be scrutinised heavily by the inspector as part of the local plan examination.

**Q1.3. Is there any substantive evidence to indicate that the requirements of section 149 of the Equality Act 2010 have not been met?**

- 1.3.1 BPC does not intend to make any representations in this regard.

**Q1.4. Is there any substantive evidence to indicate that the sustainability appraisal fails to meet relevant legal requirements?**

- 1.4.1 There is overwhelming evidence of failures in the Sustainability Appraisal (SA) to meet the relevant legal requirements.
- 1.4.2 The regulation 19 reps submitted by BPC point towards failings in the consideration of reasonable alternatives with the SA as required in planning guidance and the tests of soundness. Moreover, the conclusions within the options for the quantum of development at North East Thatcham are highly concerning.
- 1.4.3 The conclusion against the quantum of 2,500 homes on site that it would likely to result in a **positive impact on all elements of sustainability** is wholly irrational and illogical. This is further compounded by the suggestion that a quantum of 1,500 homes would give a **neutral impact on all elements of sustainability** which again is simply not the case.
- 1.4.4 No option for no development at NE Thatcham or a further lower amount. 1,500 dwellings is still a considerable number of dwellings. No option for 250-500 dwellings along the southern end of the site in small areas of development adjacent to the Bath Road has been considered.
- 1.4.5 BPC has undertaken a justified and accurate assessment of the impacts of the allocation of North East Thatcham through policy SP17 which demonstrates that the approach taken by WPC lacks justification and is not positively prepared in any way whatsoever. BPC will present this to the inspector at examination process to demonstrate that lack of rationality in approach taken by WPC in preparation of the LPR.

**Q1.5. Is there any substantive evidence to indicate that the habitat regulations assessment fails to meet relevant legal requirements?**

- 1.5.1 BPC has significant concerns in relation to the HRA specifically for policy SP17 (Northeast Thatcham) and will set these out against the relevant matters for this policy.
- 1.5.2 BPC has been advised throughout the previous stages of the local plan process by a qualified ecologist and detailed information is presented within their previous regulation 19 representations in this regard. The ecologist is available to provide further evidence on conclusions regarding habitats in specific relation to policy SP17 throughout the examination hearings. We urge the inspector to undertake thorough scrutiny during the hearing sessions in this regard.

**Q1.6. Is there any substantive evidence to indicate that the Council failed to apply the sequential test and then, if necessary, the exception test relating to flood risk during the preparation of the Plan as required by national planning policy?**

- 1.6.1 BPC has significant concerns in relation to the flood risk specifically for policy SP17 (Northeast Thatcham) and will set these out against the relevant matters for this policy.
- 1.6.2 It is noted that in the response to the Initial Questions from the Inspector the council set out that there is significant ambiguity in relation to ground water flooding and they state:

*Regarding groundwater flooding, it should be noted that the SFRA used two datasets to assess this – Jacobs Groundwater Mapping and Modelling, in addition to the JBA Flood Map. The SFRA comments that the JBA Flood Map should not be used as the sole evidence for land use planning, and instead it should be used in combination with other data such as local and historic data.*

*The JBA Flood Map shows that the majority of the site is not at risk of groundwater flooding. Within the far southeastern site corner, groundwater levels are within 0.025m of the ground surface. Nonetheless the Jacobs mapping does not show any risk to the site.*

- 1.6.3 This shows that there is significant confusion around the SFRA and requirements in relation to flood risk.

**Q1.7. Do each of the policies SP1 to SP24 meet the criteria for strategic policies set out in national policy and guidance?**

- 1.7.1 BPC does not intend to make any representations in this regard.

**Q1.8. Do policies SP13, SP14, SP15 and SP21 contain unnecessary duplication and create ambiguity such that they are not sound? If so, would their replacement with the additional tables and text in chapter 8 as proposed by the Council represent a sound approach?**

- 1.8.1 BPC does not intend to make any representations in this regard.

**Q1.9 Is Appendix 6 consistent with relevant legislation and national policy? If not, would the deletion of Appendix 6 ensure that the Plan is legally compliant and sound in that respect?**

- 1.9.1 BPC does not intend to make any representations in this regard.

**Q1.10. Is the modification to Appendix 7 relating to allocations not being carried forward necessary to make the Plan legally compliant and, if so, would it be effective in that regard?**

- 1.10.1 BPC does not intend to make any representations in this regard.

**Q1.11. 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?**

- 1.11.1 Policy SP17 makes direct reference to the Thatcham Growth Study as providing guiding principles for the development of the site.
- 1.11.2 It is noted that the HELLA study used for site selection at Reg 18 is not included in the documents submitted by WBC. A later document that postdates the council's decision to submit the proposed LP to the inspectorate is substituted. The earlier HELLA was funded by the developers of SP17 – Northeast Thatcham and is flawed in that the site scoring is completed by one consultant for all sites except SP17 and a different one for SP17. This is unexplained but consistency is lacking.

**Q1.12. Are all of the definitions in Appendix 9 of the Plan consistent with those in NPPF Annex 2 or otherwise justified?**

- 1.12.1 BPC does not intend to make any representations in this regard.

**Q1.13. 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
- © the price a willing landowner would be likely to sell their land for?

- 1.13.1 BPC has significant concerns around the viability and deliverability of the requirements under policy SP17 for Northeast Thatcham. These will be addressed in subsequent matters statements.

**Q1.14. Does the viability evidence indicate that the total cumulative cost of all relevant policies will not undermine the viability of the development that the Plan assumes will take place during the plan period?**

- 1.14.1 BPC does not intend to make any representations in this regard.

**Q1.15. 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?**

- 1.15.1 BPC has significant concerns about the impact that development will have upon the strategic and local road network with specific reference to policy SP17.
- 1.15.2 It is noted that within the council response to the initial questions from the inspector that both National Highways and Hampshire County Council have raised concerns about the impact of the proposed developments within the plan on the Strategic and Local Road Network.



Further concern is raised by Network Rail that the development of Northeast Thatcham under policy SP17 will lead to *increased use of the Thatcham level crossing where barriers are down for 50% of the time and peak period queues form on both sides of railway.*

- 1.15.3 The council response to the supplementary preliminary questions from the inspector suggests that work has taken place with National Highways, Hampshire Highways and Network Rail however it is clear that there is no agreed position between the parties.
- 1.15.4 It is quite remarkable that the plan was submitted for examination without this work being concluded and the inspector has been put in an invidious position because of this lack of preparation by WBC. This position further points to a failure in the duty to cooperate with key stakeholders on a proactive and ongoing basis and points to a significant issue with the soundness of the plan.
- 1.15.5 BPC have been advised in the previous stages of the local plan process on matters of highway impact. Detailed submissions in this regard were included as part of the regulation 19 consultation response. The highways expert used by BPC can be made available to provide further evidence in this regard at the hearing sessions in order to assist the inspector coming to a conclusion on this matter.

**Q1.16. 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? In particular:**

- (a) Could any significant impacts on the transport network (in terms of capacity and congestion), or on highway safety, be cost effectively mitigated to an acceptable degree?
- (b) Does the Plan contain effective policies to secure the necessary mitigations?

- 1.16.1 Given the lack of progress with key stakeholders such as National Highways, Hampshire Highways and Network Rail it is impossible for WBC to say that there would not be an impact on highway safety.

## **2. Matter 2 – Amount of Development needed in the District.**

**Q2.1. Is the Council's proposal to modify the Plan so that relevant policies look ahead to 2041 necessary to make the Plan sound?**

- 2.1.1 Of particular concern to BPC and other stakeholders is the true intention of WBC in respect of the total homes planned for Thatcham. Whilst the allocation under SP17 is for 1,500 dwellings, several evidence base documents (including the Thatcham Growth Study) point towards an aspiration for 2,500 dwellings. This would represent a significantly larger development with significantly bigger impacts (notwithstanding the objection to the allocation as it stands).
- 2.1.2 This question was raised directly by the Inspector in the initial where it was asked in question PQ32 (a) whether *either of the Sandleford Park or Northeast Thatcham strategic sites expected to continue to be developed after 2039?*
- 2.1.3 The council response states that *it is not currently anticipated that these sites will continue to be developed after 2039.*
- 2.1.4 This is far from a guarantee that no further development will take place on either site.
- 2.1.5 It behoves the Council as part of this examination process to be clear and transparent in their true aspirations for the long-term development of the site and BPC requests that the inspector scrutinises this point in far greater detail.

**Q2.2.**

**(a) Is the inclusion in the Plan of a minimum housing requirement figure of 513 net additional dwellings per year sound?**

**(b) Or should the minimum housing requirement figure be increased above local housing need to reflect Reading's unmet need and/or to help deliver more affordable homes?**

**(c) If so what should the total minimum requirement figure be?**

**(d) Does the wording of policy SP12 need to be modified to clarify what the minimum housing requirement is (irrespective of what the figure should be)?**

**(e) Does inclusion of a "target figure" (above the minimum requirement) provide a clear and unambiguous approach?**

**(f) If so, is the "target figure" of 538 dwellings per year justified?**

- 2.2.1 BPC does not intend to make any representations in this regard.



**Q2.3. (a) Is the identified need for a net increase in office floorspace of 50,816 sqm to 2039 justified? (b) If the Plan were to be modified to look ahead to 2041, how would the office floorspace requirement figure need to be modified?**

2.3.1 BPC does not intend to make any representations in this regard.

**Q2.4. (a) Is a minimum requirement of 91,109 sqm of industrial floorspace (23 hectares) to 2039 justified? (b) If the Plan were to be modified to look ahead to 2041, how would the industrial and warehouse floorspace requirement figure need to be modified?**

2.4.1 BPC does not intend to make any representations in this regard.

### 3. Matter 3 – Spatial Strategy

**Q3.1. Does policy SP1 set out an appropriate spatial strategy that will contribute to the achievement of sustainable development? In particular:**

- (a) Newbury retaining its key role as the administrative centre and major town centre and being a focus for housing and business development and the main focus for office development.
- (b) Thatcham being a focus for housing and business development, regeneration and improved services and facilities.
- (c) Villages surrounding Newbury and Thatcham retaining their existing roles.
- (d) Theale being the focus for additional housing in the Eastern Area.

3.1.1 Yes, the strategy for existing villages surrounding Newbury and Thatcham to retain their existing roles is appropriate.

**Q3.2. Is the settlement hierarchy defined in policy SP3 and tables 1 and 17 of the Plan appropriate and based on proportionate evidence?**

3.2.1 Yes, the settlement hierarchy as set out in table 1 shows that Upper Bucklebury is not within any tiers of the settlement hierarchy. Table 17 makes it clear that Upper Bucklebury is a *Settlement with defined settlement boundaries*.

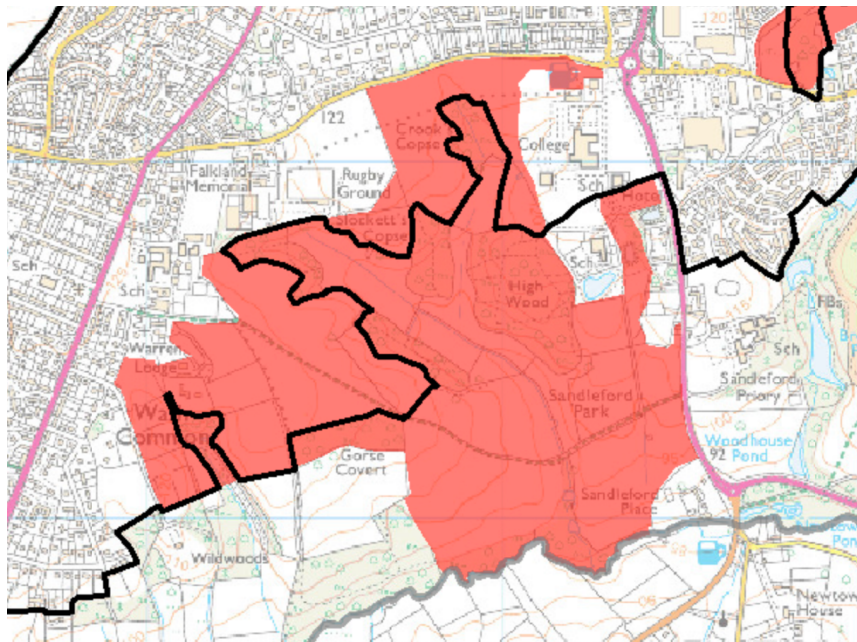
3.2.2 The Settlement Hierarchy Review Topic Paper shows that whilst Upper Bucklebury scores high enough to be considered a service village it was not included following the qualitative assessment set out within appendix 5 of the topic paper. This states:

*Upper Bucklebury scores 19 points in the settlement hierarchy matrix, within the category of service village. It has access to key services and facilities in the form of a highly valued primary school and village memorial hall as well as a convenience store and employment land at the Colthrop Estate in Thatcham. Its remaining community services are fairly limited Thatcham and Newbury with medical services being available at Chapel Row and the secondary school at Compton, all requiring a car. There is little evidence from other Parishes that Upper Bucklebury is accessed in any great capacity by other settlements as a service village. Combined with the close proximity of the urban area of Thatcham and Newbury beyond including the sharing of employment opportunities means that it does not have a robust functional relationship with the surrounding area as a Service Village.*

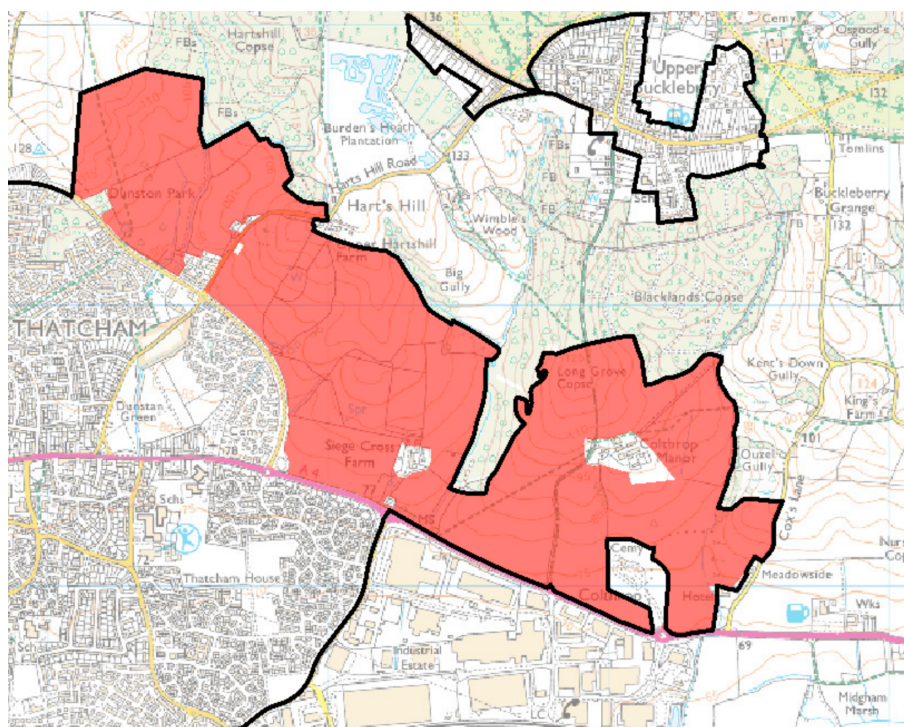
3.2.3 This is considered a logical conclusion but is at odds with the decision to allocate 1,500 dwellings on land very close to the village under policy SP17. Such a sized development would clearly impact on Upper Bucklebury as a small village. This has not been taken into account in the assessment of the impacts of development upon the surrounding area nor has it been properly considered within the sustainability appraisal.

**Q3.3 Are the settlement boundaries defined on the Policies Map appropriate and based on proportionate evidence?**

- 3.3.1 It is concerning that the approach to setting the settlement boundaries is contradictory. The settlement boundary for the allocation at Sandleford has been drawn tightly around the area expected for residential development and the remaining area of the allocation, where the country park is proposed, remains outside of the settlement boundary.



- 3.3.2 This contradicts with the approach to the settlement boundary for North East Thatcham under policy SP17 where the settlement boundary is drawn around the entire site allocation area:





- 3.3.3 This means that area proposed for the country park and buffer to the ancient woodland and AONB would all be within the settlement boundary. This would mean that areas outside of the proposed area for development would be under pressure for future development. This adds further to the position of BPC that the true aspiration for development at NE Thatcham is 2,500 rather than the 1,500 as set out in the allocation.

**Q3.4. Does policy SP3 set out an effective and justified approach to allocating non-strategic sites at urban areas, rural service centres and service villages through neighbourhood plans?**

- 3.4.1 BPC does not intend to make any representations in this regard.

**Q3.5. Is policy SP4 relating to development within the Detailed Emergency Planning Zones, the 5km Outer Consultation Zones, and 12km Consultation Zones around AWE Aldermaston and AWE Burghfield consistent with national policy and relevant legislation?**

- 3.5.1 The requirements under policy SP4 remain unclarified as it is clear from the response to the inspector provided by WBC that work with AWE is still ongoing. As with other matters in this plan such as highways, it is highly concerning that matters of such importance were not resolved prior to the submission of the plan for examination.

**Q3.6. Have the Atomic Weapons Establishments been appropriately taken into account in the determination of the spatial strategy, including the choice of housing and employment allocations?**

- 3.6.1 No evidence is available at the current time that agreement has been reached with AWE that the spatial strategy is appropriate and that they are satisfied with the choice of housing and employment allocations.
- 3.6.2 Until such agreement is reached between the council and AWE it must be concluded by the inspector that the plan is unsound.

**Q3.7. Is policy SP2 consistent with national policy relating to AONBs?**

- 3.7.1 Policy SP2 is only partially consistent with national policy as it fails to make any reference to development that would be within the setting of the AONB. Paragraph 182 of the framework makes it clear that development within the setting of AONBs should be *sensitively located and designed to avoid or minimise adverse impacts on the designated areas*.
- 3.7.2 The Planning Practice Guidance goes further in setting out the approach to development within the setting of AONBs as follows:

*Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the*

*designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.*

*Paragraph: 042 Reference ID: 8-042-20190721*

*Revision date: 21 07 2019*

- 3.7.3 BPC have significant objection to the allocation of the development at Northeast Thatcham under policy SP17 which is directly in the setting of the AONB. Further detailed representations will be made on this within subsequent matters statements specific to SP17.

**Q3.8. Have exceptional circumstances been demonstrated to justify allocating sites RSA14 to RSA23 having regard to national policy?**

- 3.8.1 BPC does not intend to make any representations in this regard.

**Q3.9. Is the Council's proposed modification to the reasoned justification of policy SP2 relating to policies RSA14 to RSA23 necessary to make the Plan sound and would it be effective in that regard?**

- 3.9.1 BPC does not intend to make any representations in this regard.

**Q3.10. Is the Council's proposed modification to the reasoned justification of policy SP2 relating to neighbourhood plans allocating sites for major development in the AONB necessary to make the Plan sound and would it be effective in that regard?**

- 3.10.1 BPC does not intend to make any representations in this regard.

**Q3.11. Are the housing requirement figures of 50 and 25 dwellings for Hungerford and Lambourn, and zero for all other designated neighbourhood areas, justified and consistent with national policy?**

- 3.11.1 BPC does not intend to make any representations in this regard.

**Q3.12. Are the Council's proposed modifications to policy SP12 (to state that the Council will supply a housing requirement figure for each neighbourhood area when a neighbourhood plan is being prepared or updated, and that any sites allocated in a neighbourhood plan would be additional to sites allocated in the Plan) necessary to make the Plan sound and would they be effective in that regard?**

- 3.12.1 BPC does not intend to make any representations in this regard.

**Q3.13. Is the strategic approach of restricting development outside settlement boundaries set out in policies SP1 and SP2 justified and consistent with national policy?**

- 3.12.1 BPC does not intend to make any representations in this regard.

**Q3.14. Is policy DM2 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?**

3.14.1 BPC does not intend to make any representations in this regard.

**Q3.15. Is the Council's proposed modification to include a key diagram in the Plan necessary to make the Plan sound and would it be effective in that regard?**

3.15.1 BPC does not intend to make any representations in this regard.

**Q3.16. (a) Were the sites allocated in the Plan selected on the basis of adequate and proportionate evidence? (b) Collectively, are the allocations consistent with the spatial strategy and settlement hierarchy set out in policies SP1 and SP3?**

3.16.1 No. For the reasons set out within previous representations, the site selection was fundamentally flawed in numerous areas. The evidence base on which the decision to allocate the land at North East Thatcham under policy SP17 has been shown to be at best misguided but more likely influenced by those with land interests.

3.16.2 The Sustainability Appraisal contains a series of significant errors in the way in which the impacts of development against key sustainability objectives were assessed and scored. The sustainability appraisal also fails to properly consider adequate reasonable alternatives.

3.16.3 The allocation of site SP17 at North East Thatcham is not consistent with the Spatial Strategy under policy SP1 which seeks to *direct development to areas of lower environmental value*. The provision of supporting facilities and green infrastructure at North East Thatcham as set out within the wording of policy SP1 is not deliverable, adequate, nor has it been properly costed.

3.16.4 The allocation and subsequent development of North East Thatcham would have a significantly adverse impact on the settlement of Upper Bucklebury

3.16.4 The allocation of North East Thatcham is also not consistent with other Strategic Policies of the Development Strategy section of the draft plan. It would not seek to conserve and enhance the special landscaping qualities of the North Wessex Downs AONB as required under policy SP2.



## **4. Conclusions**

- 4.1 For the reasons set out within this matters statement, BPC has fundamental concerns on the soundness of the plan. The key area of interest is around the allocation of site SP17 for North East Thatcham. However, there are systemic failures in the plan on matters of Duty to Cooperate and Sustainability Appraisal which mean that the entire spatial strategy is unsound.
- 4.2 These are matters which cannot be remedied by way of modifications to the plan and point towards reasons that the local plan examination should be halted at the earliest possible opportunity.
- 4.3 BPC wish to appear at the examination in order to assist the inspector in coming to a clear conclusion on matters of soundness.