



	<p><b>West Berkshire Local Plan Review 2022-2039</b></p> <p><b>Proposed Submission Representation Form</b></p> <p><b>Ref:</b></p> <p><i>(For official use only)</i></p>
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<b>Please complete online or return this form to:</b>	<b>Online:</b> <a href="http://consult.westberks.gov.uk/kse">http://consult.westberks.gov.uk/kse</a>
	<b>By email:</b> <a href="mailto:planningpolicy@westberks.gov.uk">planningpolicy@westberks.gov.uk</a>
	<b>By post:</b> Planning Policy, Development and Regulation, Council Offices, Market Street, Newbury, RG14 5LD
<b>Return by:</b>	<b>4:30pm on Friday 3 March 2023</b>

This form has two parts:

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

#### **PART A: Your Details**

*Please note the following:*

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cannot be kept confidential and will be available for public scrutiny, however, your contact details will not be published.*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

	Your details	Agent's details (if applicable)
Title:	Mr	
First Name:*	Steven	
Last Name:*	Beeson	
Job title (where relevant):		
Organisation (where relevant):		
Address*		

<i>Please include postcode:</i>	[REDACTED]	
<i>Email address:*</i>	[REDACTED]	
<i>Telephone number:</i>		

*\*Mandatory field*

## Part B – Your Representation

**Please use a separate sheet for each representation**

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

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

Your name or organisation (and client if you are an agent):	
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	Various
Policy:	Various
Appendix:	Various
Policies Map:	Various
Other:	Supporting documentation

### 1. Legally Compliant

*Please see the guidance notes for an explanation of what 'legally compliant' means.*

**Do you consider the Local Plan Review is legally compliant?**

Yes

No

NO

*Please give reasons for your answer:*

## General Concerns

My general concern is that this process of developing a Local Plan is required by law to be consultative. WBC have been far from outreaching to local Town Councils and Parishes and residents. Reg 18 was released over Christmas in 2020/2021 with very little communication. Regulation 19 has been delayed multiple times and is extremely complex and exhaustive in the volume of documentation, yet the Consultation period is only 6 weeks which is totally unreasonable for any layman to be able to make a thorough review of the WBC documentation. Finally Reg19 was launched on the 20<sup>th</sup> Jan 2023, for their website to be taken down that weekend. As many people have full time jobs reading their documentation over the weekend is the only option. In which case their timescales for review should have been extended as they have not enabled the information to be available for the published duration.

### System Maintenance

Some of our online services may be temporarily unavailable on 21 and 22 January due to essential maintenance. We apologise for any inconvenience this may cause.

Throughout the various websites and documentation supplied by WBC there are references in the form of website URL's which are not working, therefore it is impossible to make informed comments on the Reg 19 Submission.

Throughout the who Reg19 submission there is a cavernous gap of evidence to support the plan, constant use of the positioning that further information will be provided at a later date which makes the whole process and ability to analyse and subjectively review the Reg19 proposal. Based on this alone the whole process is unsound.

I would also like to say that the significant material changes between Reg18 and Reg19 must indicate that due process has not been adhered to, the public have not been given the opportunity to consult again before Reg19 which is unacceptable.

## Comments and discrepancies on the Local Plan Review 2022-2039 Proposed Submission

Section 1.19 In February 2020, we published our assessments of sites that were submitted to us as part of the [Housing and Economic Land Availability Assessment \(HELAA\)](#). We also undertook focused consultation with parish and town councils, and NDP groups seeking views on the sites assessed in the HELAA.

Comment : it is a fact that WBC republished the HELA as part of this consultation on the 20<sup>th</sup> Jan 2023. In which case it is not clear what reference this document refers to.

Comment : WBC did not engage with Local Parish Councils and there is no evidence presented of this consultation.

## Local Plan Evidence - HELAA

As part of the <https://www.westberks.gov.uk/local-plan-evidence> document

Site Selection Criteria [https://www.westberks.gov.uk/media/54005/Site-Selection-Methodology-January-2023/pdf/Site\\_Selection\\_Methodology\\_January\\_2023.pdf?m=638085913998700000](https://www.westberks.gov.uk/media/54005/Site-Selection-Methodology-January-2023/pdf/Site_Selection_Methodology_January_2023.pdf?m=638085913998700000)

This document includes the following statement:-

2.11 The assessment is a key part of the evidence base to inform the site selection process. However, it is important to note that it does not determine whether a site should be allocated for development. Rather it assesses and identifies a catalogue of sites that are potentially suitable for further consideration. In West Berkshire this document is the Housing and Economic Land Availability Assessment (HELAA).

2.12. This site selection methodology uses the HELAA as the starting point to identify which new sites should be allocated in the LPR.

The latest version of the HELAA document was re-released on the 20<sup>th</sup> Jan 2023. Clearly this is the day Reg19 started and hence cannot be construed as being at the start of the process for the LPR and site allocation. Additionally the revision of the HELAA as part of reg 19 possibly negates the whole process completed thus far.

## Local Plan Evidence – Thatcham Strategic Growth Study

Within the Local Plan Evidence document the following documents are referenced.

### *Thatcham Strategic Growth Study*

A three-stage process that assesses planning for the future of the settlement.

- Stage 1: Thatcham Past (May 2019) [2MB]
- Stage 2: Thatcham Present (April 2020) [1MB]
- Stage 3: Thatcham Future (September 2020) [12MB]

This strategy which forms the significant basis for the LDP is based on the HELAA (Feb and Dec 2020 publications).

Indeed in the above documents the whole strategy is based on the HELAA at that time, obviously with the HELAA updated these documents are subsequently out of date and should be removed from consideration as part of the evidence for the LDP.

These documents clearly have housing numbers that differ from the latest plan of 1500 houses. However these documents have not been updated to reflect this, in particular in the areas of traffic, schooling, the viability of amenities such as doctors, water supply and waste and so on. More importantly they contain detailed information on the viability of the site based on

Indeed in the Stage 3 document noted above the following section can be seen.

We have also considered a lower density option, whereby only 2,300 units can be delivered. This effectively reduces the size of the last phase of development, and enables the costs for healthcare contributions and for utilities to be marginally reduced, as these are proportional to the number of units. This reduces the outturn Residual land value as follows: Option 1 £27,618,800 a reduction of 12.3% for an 8% drop in unit numbers Option 2 £26,696,800 a reduction of 12.65% for an 8% drop in unit numbers This indicates the disproportionate effect that this would have on overall viability.

However, the latest proposal from the developers is for 1500 houses which must therefore SIGNIFICANTLY reduce the who site viability, yet none of this is evident in the Reg 19 Consultation and submission, which must surely mean that the Reg 19 Submission is unacceptable. Collusion with regards to the Thatcham NE Documents as part of the plan Submission.

With regards to the above 3 documents, these documents were TOTALLY funded to the sum of £100,000 for by the developer who's site is recommended in the three documents. This must surely call into question the viability, ethicality and fairness of having the main developer fund the report that effectively markets their site.

No other developers, even those identified as potential sites in the HELAA, were offered a chance to contribute to the funding of this report. Neither were any other developers provided direct access to the authors unlike the Thatcham NE developers who were obviously able to influence the report. No other developers have their marketing material or any other documentation submitted as part of the Reg 19 submission. Why has only one key developer been granted this privilege if it not in collusion with WBC.

The fact that WBC were not forthcoming on who funded this report also raises suspicion, the fact on funding was only found out via a freedom of information request. WBC deny collusion with the developers but it is obvious why they would do this.

WBC initially published the FoI request and subsequent response on their website but this has since been removed to coincide with the Reg 19 consultation submission.

The Thatcham NE Growth Study section 2.44 talks about the GPSS oil pipeline across the South of the site and the Gas Pipeline across the north of the site. It is a legal requirement to talk to the owners of these as part of the planning process and WBC have not presented evidence this has taken place.

I would say this further calls into question the soundness of this process and supporting documentation and even its legality. How can WBC offer this to one preferred developer in all fairness and not others.

The fact that WBC did not put the funding of this report out to tender is also against their own legally binding policies.

#### **Education and Sports Field provision**

Under section 6A of the Education and Inspections Act 2006 (the 'free school presumption') where a local authority identifies the need to establish a new school it must, in the first instance, seek proposals to

establish an academy

It is not clear if WBC have sought proposals for the three proposed schools in the LDP. This is in contravention to the above mentioned act.

The provision for education from Nursery, Early years, through Infant to Secondary education is not clearly defined with the Local Plan. There is no coherent end to end plan which therefore breaches the Councils obligations to provide education facilities for children, how can it build houses without this provision ?

Because of a lack of a coherent Plan on Education Provision across the various proposed developments it is impossible to estimate the subsequent knock on effect on traffic. The siting of a secondary school to the NE of Thatcham could result in a significant increase in traffic across Thatcham, not considered in the traffic plans and models in the Local Plan.

#### **Pre-secondary School provision:**

There is no provision in any of the LPR for Nursery or Early years provision.

The provision of Primary school education is unclear, disjointed and contradictory. There is no data or evidence on the planned numbers of schools or Form Entry requirements. The LPR proposes that the sum of £12 million be contributed by the developers to primary education. However with no data available, the only data provided in from 2011, it is impossible to assess if this is sufficient. It also doesn't demonstrate the timing of this funding or school place provision, clearly schools need to be available before houses are built.

#### **Secondary Education provision:**

The Plan is inconsistent and incomplete on the provision of secondary schooling in and around Thatcham. It is also contradictory and incomplete. The latest Local Plan is in contradiction to the Supporting documentation. The latest plan proposes that the sum of £15 million be contributed by the developers to Secondary Education. There are not details of the location of the Land to be provided and hence the ability to assess its suitability.

Please see the link below to The Thatcham NE Development Plan 2020 (part of the Local Plan supporting documentation):

[https://www.westberks.gov.uk/media/49799/Thatcham-Strategic-Growth-Study-Stage-3-Thatcham-Future/pdf/Thatcham\\_Strategic\\_Growth\\_Study\\_Stage\\_3.pdf?m=637910502456970000](https://www.westberks.gov.uk/media/49799/Thatcham-Strategic-Growth-Study-Stage-3-Thatcham-Future/pdf/Thatcham_Strategic_Growth_Study_Stage_3.pdf?m=637910502456970000)

The Thatcham NE development plan 2020, produced by David Locke Associates and Stantec on behalf of WBC, proposes funding for a 6-8FE (Form Entry) secondary school, half-funded by developer contribution

#### **Government guidelines are that less than a 6FE Secondary School are not sustainable.**

The Development plan states that the NE Thatcham development, when at 2500 houses, is not sufficient to fill a 6–8 FE school: Specifically :-

*5.18 Provision of a new secondary school in North East Thatcham is an essential part of enabling growth in the town. However, the scale of growth proposed is not sufficient on its own to fill a 6-8FE secondary school.*

*5.19 Secondary schools need to be of sufficient scale to make them sustainable and able to provide suitable facilities for their students, so it is not considered feasible for a new school to be smaller than 6FE.*

With an apparent 40% reduction in the housing allocation in the 2023 LPR (2022 to 2039) to 1500 houses, a secondary school simply cannot be sustainable in this location.

Earlier in this same Thatcham NE development plan it was noted that the education provision exercise was based on WBDC data from a **study in 2011**. Clearly the use of 12 year old data is unsound.

The Local Plan Review to 2039, Policy SP17, now states that land (not the Secondary school itself) will be

provided for the development.

**On the basis of the above it is clear the plan for secondary school provision is 'unsound' on the basis there is no evidence of the number of school children the school is to cater for; the location of a school is not clear; the number of form entries is not defined and less than a 6FE school is unsustainable; that the timing of the funding is not clear; that there is no evidence the proposed funding is sufficient to meet the Councils obligations to provide education.**

#### **Conclusion on Schooling :**

Based on this and considering the Council as an education authority has a duty to make arrangements for the provision of suitable education at school, clearly how this obligation will be met for all school years is not defined in the Local Plan, and as such the Local Plan is unsound.

#### **Sports Fields:**

The plan talks of the provision of sports fields. This raises two issues not answered in the Local Plan: Sports fields require flat ground. The only flat area of ground in the proposed site is that which is closest to the A4 and therefore an area with the most traffic fumes.

There is no funding earmarked for these facilities.

If WBC are assuming that the school playing fields would be available as Sports Fields then this assumption is unsound as if the school itself is not viable, then the playing fields will not materialise.

Additionally, many schools do not want to open their playing fields to the public for safeguarding and other concerns, **so the Local Plan is unsound on the Provision of Playing Fields.**

#### **Traffic**

The plan does not provide sufficient evidence to enable a decision to be made on traffic Impact to be assessed.

This LP does not provide any sufficient infrastructure gains, the Colthrop plans provides a bridge over the railway which is an area already of major congestion and subsequent pollution.

#### **Additional Comments:-**

The information available to support the current consultation being undertaken on the Local Plan has several major flaws.

These include:

- The housing numbers for northeast Thatcham – positioned in Reg 19 as a reduction from 2500 dwellings to 1500 - is not correct. The Regulation 18 Consultation envisaged that only 1250 dwellings would be built in the plan period, and this has increased to 1500. The 1500 number is stated as both a minimum and an approximate number and the supporting studies are still based on an eventual size of 2500 dwellings. The number of homes proposed for this site could therefore be increased to the original 2,500 when the Plan is reviewed after 5 years or in the next plan period.
- The update of the HELAA, which was published only on 20th January 2023, includes a large number of sites that have been added since the last update, and which have been rejected, yet the WBC process is that the HELAA is at the start of the process not the end.
- The Air Quality Assessment that is part of the consultation documents is based on the LPR running to 2037, not 2039 which it now should do. This affects the traffic levels forecast for the end of the LPR period and the resultant traffic pollution.
- There is no evidence WBC has complied with its legal duty to cooperate with

Berkshire West Clinical Commissioning Group concerning the size of the GP surgery promised for north east Thatcham.

- There is no evidence that WBC has consulted properly with Thames Water over the time needed for provision of water and foul drainage, and therefore does not know if the houses for north east Thatcham are deliverable in SP17 in the plan period.
- The Settlement Boundary background paper shows the Thatcham settlement boundary already extended to the line needed for the original 2500 houses, yet the plan now refers to a minimum of 1500 houses – this could be read that 2500 dwellings is still suitable and can be developed within the extended boundary.
- The new provision for secondary schools in north east Thatcham is not consistent with WBC guidelines for the minimum viable size of a secondary school. If the primary provision is 2.5 Forms of Entry, then so presumably is the secondary provision to meet the impact of the development. A Council policy 2013 states that the minimum viable size for a secondary school is 4 Forms of Entry.
- The Secretary of State’s Written Statement of 6th December 2022, which removed the need to maintain a 5-year housing supply for Local Authorities with up-to-date Local Plans, removed top-down housing targets (particularly for Local Authorities with constraints like AONBs etc.) and gave a two-year transition period for LAs in the final stages of preparing Local Plans and this statement should be taken into account by WBC.

Because of these points, and many more, the Reg 19 Submission in its entirety should be considered as unsound.

I would very much welcome the opportunity attend and speak at the Reg19 review.

## 2. Soundness

*Please see the guidance notes for an explanation of what ‘soundness’ means.*

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

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

*Please tick all that apply:*

NPPF criteria	Yes	No
<b>Positively Prepared:</b> The plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		<b>No</b>
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		<b>No</b>
<b>Effective:</b> the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		<b>Definitely NOT</b>



<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		<b>Not</b>
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*Please give reasons for your answer:*

*For the reasons stated above in section 1.*

### 3. Complies with the Duty to Co-operate

*Please see the guidance note for an explanation of what 'Duty to Cooperate' means.*

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

Yes

No

NO

*Please give reasons for your answer:*

*WBC have conducted the bare minimum of consultation as required by law where they deem fit. The revised HELAA was not consulted on, the Thatcham NE growth study should legally have been consulted on. On that same document other developers were not given the opportunity to provide input or funding and so on.*

### 4. Proposed Changes

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

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

*That is surely WBC's job ?*

### 5. Independent Examination

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

Yes

YES

No

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

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

**6. Notification of Progress of the Local Plan Review**


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

*Please tick all that apply:*

*Tick*

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

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

<b>Signature</b>		<b>Date</b>	<i>21<sup>st</sup> February 2023</i>
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**Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.**