



**Intelligent Plans**  
and examinations

# **Report on the Cold Ash Parish Neighbourhood Development Plan 2021 to 2039**

**An Examination undertaken for West Berkshire District Council with the support of Cold Ash Parish Council on the June 2023 submission version of the Plan.**

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Date of Report: 3 January 2024

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## **Main Findings - Executive Summary**

From my examination of the Cold Ash Parish Neighbourhood Development Plan (CAPNDP/the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Cold Ash Parish Council;
- The Plan has been prepared for an area properly designated – the Cold Ash Parish Neighbourhood Development Area as shown on Figure 1 on page 7 of the Plan;
- The Plan specifies the period during which it is to take effect: 2021-2039; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### **Cold Ash Parish Neighbourhood Development Plan 2021-2039**

- 1.1 The Parish of Cold Ash is located on the southern fringe of the North Wessex Downs National Landscape (previously known as Area of Outstanding Natural Beauty)<sup>1</sup> about 3km to the north west of the centre of Thatcham and about 7km north east of Newbury. Cold Ash Parish includes the linear villages of Cold Ash and Ashmore Green which are set in undulating rural surroundings, the highpoints of which give wide and distant panoramic views, especially to the west and south. In 2011, the Parish population was 4,063.<sup>2</sup>
- 1.2 The formal process to prepare a neighbourhood plan for Cold Ash Parish began in 2017 when Cold Ash Parish Council (CAPC) announced its intention to develop one. An appeal for volunteers was issued and a Steering Group was formed. Evidence was collected and consultations were carried out. The Plan was finally submitted to West Berkshire District Council (WBDC/the Council) in June 2023, representing about 6 years work for those involved.

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<sup>1</sup> [Areas of Outstanding Natural Beauty Renamed National Landscapes - North Wessex Downs National Landscape](#) (22 November 2023).

<sup>2</sup> CAPNDP: page 17, paragraph 2.13.

## The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the CAPNDP by WBDC with the agreement of CAPC.
- 1.4 I am a chartered town planner and former government Planning Inspector and have experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

## The Scope of the Examination

- 1.5 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions.
  - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;
    - it does not include provisions and policies for 'excluded development'; and
    - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.

- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
  - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').
- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

## The Basic Conditions

- 1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan for the area;
  - be compatible with and not breach European Union (EU) obligations (under retained EU law)<sup>3</sup>; and
  - meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>4</sup>

## 2. Approach to the Examination

### Planning Policy Context

- 2.1 The current Development Plan for the Cold Ash Parish Neighbourhood Area, excluding policies relating to minerals and waste development, includes the West Berkshire District Local Plan 1991–2006 (Saved Policies 2007) (as amended in 2012 and 2017), the West Berkshire Core Strategy (WBCS) 2006–2026, which contains most of the strategic policies, and the

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<sup>3</sup> The existing body of environmental regulation is retained in UK law.

<sup>4</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

West Berkshire Housing Site Allocations Development Plan Document (HSADPD) adopted in 2017.<sup>5</sup>

- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). I have examined the Plan in the context of the NPPF published on 5 September 2023 and all references in my report are to that version.<sup>6</sup> In addition, the Planning Practice Guidance (PPG) offers advice on how the NPPF should be implemented.
- 2.3 The West Berkshire Local Plan Review (WBLPR) is also currently being examined.<sup>7</sup> Whilst there is no requirement for the Plan to be in general conformity with any strategic policies in the emerging review of the Local Plan, there is an expectation that West Berkshire and the Parish Council will work together to produce complementary plans.<sup>8</sup> I note in the context of the provision of future monitoring, that the CAPNDP makes a commitment to keeping the Plan up to date and an intention to review it within six months of the adoption of the Local Plan Review.<sup>9</sup>

### Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, as well as those submitted which include:
- the draft Cold Ash Parish Neighbourhood Development Plan 2021 – 2039 submission version, dated June 2023;
  - the map on page 7 of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement, dated June 2023;
  - the Basic Conditions Statement, dated June 2023;
  - the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinions, dated December 2021 and November 2022 and the SEA and HRA Decisions, dated December 2021 and November 2022;
  - selected items from the Cold Ash Neighbourhood Development Plan evidence list<sup>10</sup>;
  - the responses dated 24 November and 28 November 2023 from CAPC and dated 27 November 2023 from WBDC to the questions in my letter of 13 November 2023; and

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<sup>5</sup> There is also the retained South East Plan Policy NRM6: Thames Basin Heaths Special Protection Area.

<sup>6</sup> A revised version of the NPPF was published on 19 December 2023. However my fact check (draft) report was dated 12 December 2023 and, therefore, provided prior to the updated version of the NPPF being published. Accordingly, given my examination was at the (very advanced) fact check stage, my assessment does not consider the December 2023 NPPF which reflects the standard practice in these circumstances.

<sup>7</sup> [Examination of the West Berkshire Local Plan Review 2022-2039 - West Berkshire Council](#)

<sup>8</sup> PPG Reference ID: 41-009-20160211.

<sup>9</sup> CAPNDP: pages 97-98, paragraphs 11.3-11.5.

<sup>10</sup> View the documents at: [https://www.westberks.gov.uk/media/55963/Cold-Ash-NDP-Evidence-List/pdf/Cold\\_Ash\\_NDP\\_Evidence\\_List.pdf?m=638254574153170000](https://www.westberks.gov.uk/media/55963/Cold-Ash-NDP-Evidence-List/pdf/Cold_Ash_NDP_Evidence_List.pdf?m=638254574153170000)

- all the representations that have been made in accordance with the Regulation 16 consultation.<sup>11</sup>

### Site Visit

- 2.5 I made an unaccompanied site inspection to the CAPNDP area on 9 November 2023 to familiarise myself with it and visit relevant locations referenced in the Plan and evidential documents.

### Written Representations with or without Public Hearing

- 2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. No requests for a hearing session were received.

### Modifications

- 2.7 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix to this report.

## 3. Procedural Compliance and Human Rights

### Qualifying Body and Neighbourhood Plan Area

- 3.1 The Cold Ash Parish Neighbourhood Development Plan has been prepared and submitted for examination by CAPC, which is a qualifying body. The CAPNDP extends over all the area designated by WBDC on 19 March 2018.

### Plan Period

- 3.2 The Plan period is from 2021 to 2039 as clearly stated on the front cover.

### Neighbourhood Development Plan Preparation and Consultation

- 3.3 The comprehensive Consultation Statement (CS) describes the thorough preparation of the Plan with involvement of the public and various stakeholders at many stages of the process. The table on page 3 of the CS is very effective in listing the various stages of the consultation process which are then described in full in the statement.

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<sup>11</sup> View all the documents at: <https://www.westberks.gov.uk/coldashnp>



- 3.4 The pre-submission Plan was published for consultation under Regulation 14 of the 2012 Regulations between 1 March and 19 April 2023. The list of organisations consulted is shown in Appendix B of the CS (page 45), together with the list of respondents, the matters raised, the responses of the Steering Group and any resulting changes to the Plan (pages 46 - 103).
- 3.5 The Plan was submitted to WBDC on 20 June 2023. Consultation in accordance with Regulation 16 was carried out for six weeks between 21 July 2023 until 1 September 2023. 12 representations were received plus comments from WBDC about the Plan. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the CAPNDP, that has had regard to advice in the PPG on plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.

### Development and Use of Land

- 3.6 Subject to my recommend modification **PM3** in relation to Policy CAP12 (see paragraph 4.22 below), the Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

### Excluded Development

- 3.7 The Plan does not include provisions and policies for 'excluded development'.<sup>12</sup>

### Human Rights

- 3.8 I have read the Basic Conditions Statement (BCS) which states that the CAPNDP does not breach and is not otherwise incompatible with the European Convention on Human Rights, incorporated into UK law by the Human Rights Act 1998. I am aware from the thorough CS that considerable emphasis was placed throughout the consultation process to ensure that no sections of the community were isolated or excluded. I have considered this matter independently and I am satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

## 4. Compliance with the Basic Conditions

### EU Obligations

- 4.1 The Basic Conditions Statement notes that the Plan was screened for Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) by WBDC. The Council's initial conclusion was that a SEA of the Cold Ash Parish NDP was not necessary under the SEA

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<sup>12</sup> See section 61K of the 1990 Act.

Directive and Regulations because it was demonstrated that there are unlikely to be significant environmental effects as a result of the Plan. It was also WBDC's initial conclusion that a HRA was not required because there are no internationally designated sites within or adjacent to the Neighbourhood Plan Area. Therefore, on the basis of the screening process it was the Council's opinion that the CAPNDP is unlikely to have significant environmental effects and, as such, did not require an SEA under EU Directive 2001/42/EC and The Environmental Assessment of Plans and Programmes Regulations (2004), or a Habitats Regulations Assessment under EC Habitats Directive 92/43/EEC and the Conservation of Habitats and Species Regulations 2010.<sup>13</sup> The statutory consultees did not dissent from these conclusions<sup>14</sup> and the determination was made on 29 November 2022. I have read the SEA and the HRA Screening Reports of December 2021 and November 2022 and the Screening Determination dated 13 December 2021 and the other information provided and, having considered the matter independently, I also agree with the conclusions. Therefore, I am satisfied that the CAPNDP is compatible with EU obligations as retained in UK law.

## Main Issues

- 4.2 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.
- 4.3 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.<sup>15</sup>
- 4.4 Accordingly, having regard to the Cold Ash Parish Neighbourhood Development Plan, the consultation responses, other evidence<sup>16</sup> and the site visit, I consider that the main issues in this examination are whether the CAPNDP policies (i) have regard to national policy and guidance; (ii) are in general conformity with the adopted strategic planning policies; and (iii) would contribute to the achievement of sustainable development? I

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<sup>13</sup> [2017](#) (SI No. 1012).

<sup>14</sup> Details in Table 8.1 of the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report: November 2022.

<sup>15</sup> PPG Reference ID: 41-041-20140306.

<sup>16</sup> The other evidence includes the responses from CAPC and WBDC to my questions of 13 November 2023 and dated 24 and 28 November and 27 November 2023 respectively.

shall assess these issues by considering the policies in the sequence in which they appear in the Plan.

## Vision and Objectives

- 4.5 The overall vision for the CAPNDP is described in paragraph 3.2 on page 22 of the Plan. The vision is then used to develop 6 objectives listed in paragraph 3.4 which set the context for the 16 subsequent land use policies.

## Policy CAP1: Location of Development

- 4.6 Cold Ash is defined in the WBCS as a service village in which limited small scale development will be located, appropriate to the character and function of the village, in order to meet local needs, including residential infill or minor development adjacent to the settlement as defined in the HSADPD. Policy CAP1 indicates that development will be focused within the settlement boundaries of Cold Ash and Ashmore Green and lists circumstances where development proposals will be supported. The policy also gives substantial weight to the value of using brownfield land within the settlement boundaries.
- 4.7 The second paragraph of Clause 2 of Policy CAP1 seeks to prevent development which would result in the coalescence and loss of identity of the individual settlements in the Parish. The policy states that the green gaps shown in Figure 6 of the Plan demonstrate the areas most sensitive to this. The green gaps are extensions of those defined in Policy DM2 of the WBLPR and shown on the WBLPR Policies Map, the aim of which is to prevent coalescence of Newbury and Thatcham. The WBLPR is quite specific that Policy DM2 is to preserve the gaps between Newbury and Thatcham, between Thatcham and Cold Ash and between Thatcham and Ashmore Green.
- 4.8 I consider that it is extremely confusing for the Neighbourhood Plan to delineate green gaps which significantly extend those in the emerging Local Plan, whatever the planning merits of the extended areas might be. In my opinion, the confusion results from the definition of the different green gaps in two documents which would eventually become part of the development plan. WBDC in their representation further consider that "the final paragraph of Criterion 2 of policy CAP1 is not in general conformity with policy CS 19".<sup>17</sup> Whilst, as pointed out by the CAPC, I am testing the CAPNDP against the extant development plan, I also have regard to the advice in the PPG that complementary neighbourhood and local plan policies are produced.<sup>18</sup> Both the CAPNDP and WBLPR are emerging and, in my view, preceding consideration should be given to the delineation in the strategic plan.

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<sup>17</sup> WBCS Policy CS 19: Historic Environment and Landscape Character.

<sup>18</sup> PPG Reference ID: 41-009-20190509.

4.9 Nevertheless, the text of Policy CAP1 includes the prevention of the coalescence of individual settlements, which would also cover the separation of Cold Ash and Ashmore Green, and which I consider is important but less strategic than maintaining the gaps between Thatcham and Newbury (sought by Policy DM2 of the WBLPR). Therefore, I shall recommend modifying Policy CAP1 by the deletion of the final sentence of paragraph 2 and an amendment to Figures 6 and 7 to delete the green gaps; alter the title of Figure 6 to "*Settlement boundaries outside which development should be avoided which would result in further coalescence*" and delete Green Gaps from the notation of Figure 7. **(PM1)** The policy would then have regard to national guidance<sup>19</sup>, generally conform with Area Delivery Plan Policy 5 and Policy CS 19 of the WBCS (and emerging Policy DM2 of the WBLPR). The policy would meet the Basic Conditions.

#### Policy CAP2: Local Character and Heritage

4.10 Policy CAP2 deals with development management in Character Zones defined in Figure 7 of the Plan and also heritage assets. I consider the policy has regard to national guidance<sup>20</sup>, generally conforms with Policy CS 19 of the WBCS and meets the Basic Conditions.

#### Policy CAP3: Design of Development

4.11 Policy CAP3 considers comprehensive detailed design criteria for development management and refers to the Quality Design West Berkshire Supplementary Planning Guidance and the North Wessex Downs Area of Outstanding Natural Beauty Management Plan. The policy has regard to national guidance<sup>21</sup>, generally conforms with Policy CS 14 of the WBCS and meets the Basic Conditions.

#### Policy CAP4: Sustainable Design

4.12 Policy CAP4 supports development which incorporates sustainable design features, environmental performance measures and standards to reduce energy consumption. The policy has regard to national guidance<sup>22</sup>, generally conforms with Policies CS 14 and CS 15 of the WBCS and meets the Basic Conditions.

#### Policy CAP5: Minimising the Risk of Flooding

4.13 Policy CAP5 seeks to minimise the risk of flooding and has regard to national guidance<sup>23</sup>, generally conforms with Policy CS 16 of the WBCS and meets the Basic Conditions.

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<sup>19</sup> NPPF: paragraphs 11, 60, 79, 80, 120, 121, 124, 130, 174, 176, 190 & 197.

<sup>20</sup> NPPF: Section 12 Achieving well-designed places; Section 16 Conserving and enhancing the historic environment.

<sup>21</sup> NPPF: paragraphs 108, 120 & 152 and Section 12 Achieving well-designed places.

<sup>22</sup> NPPF: paragraphs 130, 152–155.

<sup>23</sup> NPPF: paragraphs 159–169.

## Policy CAP6: Biodiversity and the Network of Green and Blue Infrastructure

4.14 Policy CAP6 aims to secure a net biodiversity gain of at least 10% for all new development, considers other aspects of biodiversity and the network of green and blue infrastructure. The policy has regard to national guidance<sup>24</sup>, generally conforms with Policies CS 17 and CS 18 of the WBCS and meets the Basic Conditions.

## Policy CAP7: Managing the Environment Impact of Development

4.15 Policy CAP7 states that development proposals should maintain and, where practicable, enhance the natural environment, landscape character and rural setting of the Parish. The policy has regard to national guidance<sup>25</sup>, generally conforms with Policies CS 14 and CS 17 of the WBCS and meets the Basic Conditions.

## Policy CAP8: Iconic Views

4.16 Policy CAP8 lists 10 views which are considered iconic and are identified on the map at Figure 13 of the Plan and explained in fuller detail in Appendix B. Paragraph 6.34 of the Plan provides clear justification for the policy and states that development proposals should be designed in a way that does not significantly harm the iconic view concerned identified from publicly accessible viewpoints, and that the policy attempts to provide the flexibility required for the wide range of development proposals which will come forward.

4.17 I note the intended flexibility and it would be unacceptable for all development to be precluded from within the mostly panoramic views which would otherwise be sustainable. I also note that the viewpoints should be publicly accessible and have the following comments. As confirmed in the response dated 24 November from the CAPC to one of my questions<sup>26</sup>, the photograph illustrating Viewpoint 2 was taken from within privately owned land and has the effect of minimising the visual dominance of the field in the foreground. However, I still recognise the quality of the view from The Ridge through the boundary foliage looking in a broad easterly direction and, therefore, agree to its inclusion as an iconic view in Policy CAP8.

4.18 The CAPC acknowledged that the photograph illustrating Viewpoint 6 was taken from a drone which, in my opinion, would not normally be considered a publicly accessible point. I realise that there are wide views to the north west from the gardens on the north side of Fisher's Lane, but their protection is a matter of safeguarding the private outlook from a property. Otherwise, having seen the views on my site visit, I agree that Policy CAP8 should apply to them and, subject to the recommended

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<sup>24</sup> NPPF: paragraphs 174–176, 179 & 180.

<sup>25</sup> NPPF: paragraphs 174–177, 179 & 180.

<sup>26</sup> Question 2, letter of 13 November 2023.

deletion of Viewpoint 6, consider the policy has regard to national guidance<sup>27</sup>, generally conforms with Policy CS 19 of the WBLP and meets the Basic Conditions. **(PM2)**

#### Policy CAP9: Local Green Spaces

4.19 Policy CAP9 designates 6 Local Green Spaces (LGS). LGS designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.<sup>28</sup> LGS should also be capable of enduring beyond the end of the Plan period.<sup>29</sup> I visited each LGS on my inspection of the area and I agree that each LGS meets the designation criteria. Therefore, the policy has regard to national guidance<sup>30</sup>, generally conforms with Policy CS 18 of the WBCS and meets the Basic Conditions.

#### Policy CAP10: Dark Skies

4.20 Policy CAP10 aims to safeguard the area defined as a “dark sky zone” on Figure 15 of the Plan from development which would cause unnecessary light pollution to the night sky. The policy has regard to national guidance<sup>31</sup>, generally conforms with Policy CS 19 of the WBCS and meets the Basic Conditions.

#### Policy CAP11: Encouraging Sustainable Movement

4.21 Policy CAP11 promotes safe pedestrian and cycle access to the various facilities within the Parish. The policy has regard to national guidance<sup>32</sup>, generally conforms with Area Delivery Plan Policy 5 and Policy CS 13 of the WBCS and meets the Basic Conditions.

#### Policy CAP12: Sunken Lanes

4.22 Policy CAP12 seeks to protect sunken lanes which are shown on Figure 18 of the Plan. However, the details within the policy refer to not raising the level of the road; not reducing the heights of embankments; retaining the existing width of the road; and minimising road markings, none of which are land use policies as noted in the Regulation 16 comments of WBDC and all of which would be dealt with under Highways Asset Management.

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<sup>27</sup> NPPF: paragraphs 130 & 174.

<sup>28</sup> NPPF: paragraph 102.

<sup>29</sup> NPPF: paragraph 101.

<sup>30</sup> NPPF: paragraphs 100, 101 & 102. Also see PPG Reference IDs: 37-005-20140306 to 37-022-20140306.

<sup>31</sup> NPPF: paragraph 185.

<sup>32</sup> NPPF: paragraphs 92, 104–106.

Therefore, I shall recommend the deletion of the final sentence of the policy including the items a. to d. **(PM3)** so that it has regard to national guidance and generally conforms with Policy CS 13 of the WBCS, thus meeting the Basic Conditions.

#### Policy CAP13: Public Car Parking

4.23 Policy CAP13 safeguards publicly accessible car parking. The policy has regard to national guidance<sup>33</sup> and generally conforms with Policy CS 13 of the WBCS, subject to one reservation which is the reference in paragraph 3 b. of the policy to the detail of electric charging points. This is now covered by the recently approved Building Regulations Part S which came into effect in June 2022.<sup>34</sup> Therefore I shall recommend the deletion of paragraph 3 b. **(PM4)** Policy CAP13 will then meet the Basic Conditions.

#### Policy CAP14: Important Community Facilities

4.24 Policy CAP14 seeks to safeguard important community facilities and to support their upgrading or expansion. The policy would have regard to national guidance<sup>35</sup>, would generally conform with Policy CS 10 of the WBCS and meet the Basic Conditions.

#### Policy CAP15: Supporting Commercial Businesses and Expansions

4.25 Policy CAP15 supports new and the expansion of existing commercial, business and service activities at the Red Shute industrial estate or other locations subject to criteria described in the Plan. WBDC suggest in their Regulation 16 comments, which is expanded in the response to one of my questions<sup>36</sup>, that the policy should be modified in order to generally conform with Policy CS 9 of the WBDC. For the reasons outlined in the WBDC response, to which I agree, I shall recommend that Policy CAP15 is modified as described in **PM5**. The policy will then also have regard to national guidance<sup>37</sup> and meet the Basic Conditions.

#### Policy CAP16: Supporting SMEs<sup>38</sup>, Flexible Start-Ups and Homeworking

4.26 Policy CAP16 supports home based and other small businesses and seeks to encourage opportunities for them. WBDC objected to the phrasing of the policy seeking the removal of references to home working because, in most cases, it is permitted development. In order for the policy to have regard to national guidance<sup>39</sup> and generally conform with Policy CS 9 of

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<sup>33</sup> NPPF: paragraphs 104–106.

<sup>34</sup> The Building Regulations 2010: Infrastructure for the charging of electric vehicles: Approved document S.

<sup>35</sup> NPPF: paragraphs 92 & 93.

<sup>36</sup> Question 3, letter of 13 November 2023.

<sup>37</sup> NPPF: paragraphs 81–85.

<sup>38</sup> Small to medium sized enterprises (SMEs).

<sup>39</sup> NPPF: paragraphs 80, 83 & 84.

the WBCS, WBDC suggested a redraft with which I agree, for the reasons included in the response by the Council to one of my questions.<sup>40</sup> Therefore, I recommend that Policy CAP16 is modified as shown in the Appendix. **(PM6)**

## Non-Policy Actions

4.27 The table in paragraph 10.1 of the Plan lists 20 non land use planning issues to be addressed alongside possible actions, together with the lead agency or partner. These are items which the community is seeking but cannot be delivered through planning policies, which are not considered as part of the examination and which will not form part of the statutory Development Plan. Nevertheless, they represent aspirations which would benefit the community and demonstrate an attribute of the neighbourhood planning process.<sup>41</sup>

## Overview

4.28 Therefore, on the evidence before me, with the recommended modifications, I consider that the policies within the CAPNDP are in general conformity with the strategic policies of the WBCS, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

4.29 A consequence of the acceptance of the recommended modifications would be that amendments will have to be made to the explanation within the Plan in order to make it logical and suitable for the referendum. Further amendments might also include incorporating factual updates, correcting minor inaccuracies, text improvements suggested helpfully by WBDC in their Regulations 14 and 16 consultation responses and Thames Water, and any paragraph renumbering. None of these alterations would affect the ability of the Plan to meet the Basic Conditions and could be undertaken as minor, non-material changes.<sup>42</sup>

## 5. Conclusions

### Summary

5.1 The Cold Ash Parish Neighbourhood Development Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the CAPNDP, and the evidence documents submitted with it.

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<sup>40</sup> Question 4, letter of 13 November 2023.

<sup>41</sup> PPG Reference ID: 41-004-20190509.

<sup>42</sup> PPG Reference ID: 41-106-20190509.



- 5.2 I have made a recommendation to modify six of the sixteen policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

#### The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The CAPNDP, as modified, has no policy or proposal which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

#### Concluding Comments

- 5.4 The CAPC, the Steering Group and other voluntary contributors are to be commended for their efforts in producing a concise but comprehensive Plan. The Plan is logical, very informative and well-illustrated. I enjoyed examining it and visiting the area, particularly seeing the countryside from the various viewpoints. The Consultation Statement and the Basic Conditions Statement were extremely useful. The Plan benefitted significantly from heeding the constructive representations from WBDC in its comprehensive Regulation 14 comments.
- 5.5 Subject to the recommended modifications, the CAPNDP will make a positive contribution to the Development Plan for the area and should enable the attractive character and appearance of Cold Ash Parish to be maintained whilst enabling sustainable development to proceed.

*Andrew Mead*

Examiner

## Appendix: Modifications

<b>Proposed modification no. (PM)</b>	<b>Page no./ other reference</b>	<b>Modification</b>
PM1	Policy CAP1	<p>Delete the final sentence of the second paragraph.</p> <p>Delete the Green Gaps from Figure 6.</p> <p>Amend the title of Figure 6 to:  <b>"Settlement boundaries outside which development should be avoided which would result in further coalescence";</b></p> <p>Delete the Green Gaps from Figure 7 and from the notation for Figure 7.</p> <p>Delete the Green Gaps from the Policies Maps on pages 101 and 102.</p>
PM2	Policy CAP8	Delete Viewpoint no.6 from the policy, Figure 13, paragraph 6 and Appendix B.
PM3	Policy CAP12	Delete the final sentence, including items listed a. to d.
PM4	Policy CAP13	Delete paragraph 3.b.
PM5	Policy CAP15	<p>Amend the title of the policy to <b>"Supporting Commercial Businesses."</b></p> <p>Amend the policy to:  <b>" Proposals for new or expanded commercial and business activity (Use Classes B2, B8 and E(g) will be supported within the Red Shute industrial estate where they bring redundant or vacant land based rural operations back into use, or where they help to diversify the rural economy subject to the following criteria:</b></p> <p>a. ...  b. ...  c. ...  <b>d. the proposal respects the character and appearance of the immediate locality in terms of height, scale, design and massing;</b>  <b>e. the proposal would encourage the re-use of previously developed land where opportunities exist."</b></p>

PM6	Policy CAP16	<p>Amend the title of the policy to:  <b>"Supporting SMEs and flexible start-ups."</b></p> <p>Amend the policy to:</p> <p><b>"1. Proposals to provide working spaces that encourage creative small industries, for instance through incubator/start-up business space on flexible terms, will be supported through the provision of new buildings, or extensions to, or conversion of existing buildings, including redundant farm and rural buildings."</b></p> <p>Add to paragraph 2:</p> <p><b>"f. respect the character and appearance of the immediate locality in terms of height, scale, design and massing, and;  g. encourage the re-use of previously developed land where opportunities exist."</b></p>
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