	<p>Surrey Heath Borough Council</p> <p>Pre-Submission Surrey Heath Local Plan (2019 – 2038) : (Regulation 19)</p> <p>Representation Form</p>	<p>Ref:</p> <p>(For official use only)</p>
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Please return to: planning.consultation@surreyheath.gov.uk
OR

Planning Policy and Conservation, Surrey Heath Borough Council,
Surrey Heath House, Knoll Road, Camberley, Surrey GU15 3HD.

By 12.00 noon 20th September 2024 NO LATE REPRESENTATIONS WILL BE ACCEPTED

This form has two parts:

Part A – Personal Details

Part B – Your representation(s). (Please be aware that this together with your name will be made publicly available)

Please fill in a separate sheet for each representation you wish to make.

Surrey Heath Borough Council's Privacy Statement is [here](#).

Please read the separate guidance notes before completing this form.

Part A

1. Personal Details*		2. Agent's Details (if applicable)	
<p><i>*If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.</i></p>			
Title		Mr	
First Name		Douglas	
Last Name		Bond	
Job Title (where relevant)		Director	
Organisation (where relevant)	Lavignac Securities Ltd	Woolf Bond Planning	
Address Line 1		[REDACTED]	
Line 2		[REDACTED]	
Line 3		[REDACTED]	
Post Code		[REDACTED]	
Telephone Number		[REDACTED]	

E-mail Address

Do you wish to be notified of when any of the following occurs? (place an X in the box to indicate which applies)

	Yes	No
• The Pre-Submission Local Plan has been submitted to the Secretary of State for independent examination?	X	<input type="checkbox"/>
• The independent examiner's recommendations are published?	X	<input type="checkbox"/>
• The Local Plan has been adopted?	X	<input type="checkbox"/>

Please note that your formal comments (known as representations) and your name will be made available on the Council's website. All other details in Part A of this form containing your personal details will not be shown.

The Council cannot accept confidential comments as all representations must be publicly available.

Part B – Please use a separate sheet for each representation

Your representation should cover all the evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations following this publication stage.

After this stage, further submission will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Name or Organisation : Lavignac Securities Ltd

3. To which part of the Pre-Submission Local Plan does this representation relate?

Paragraph		Policy	SS1	Other, e.g. policies map, table, appendix	Policies map
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4. Do you consider the Pre-Submission Local Plan is? (place an X in the box to indicate which applies)

4.(1) Legally compliant (please refer to guidance notes)	Yes	X	No	
4.(2) Sound (please refer to guidance notes)	Yes		No	X
4.(3) Complies with the Duty to Co-operate (please refer to guidance notes)	Yes	X	No	

5. Please give details of why you consider the Pre-Submission Local Plan is not legally compliant or does not meet the tests of soundness or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Pre-Submission Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments. You are advised to read our Representations Guidance note for more information on legal compliance and soundness.

See enclosed statement which fully explains why Policy SS1 is unsound. In summary, policy SS1 is unsound for the following reasons:

- a) It is not **positively prepared** as it does not seek to address the borough’s housing needs, therefore further sites should be allocated;
- b) It is not **positively prepared** as it fails to boost the supply of housing by seeking to address the uncapped housing need derived through local housing need;
- c) It is not **justified** with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;
- d) It is not **justified** with respect of the expectation of delivery from the sources of supply;
- e) It is not effective or justified since it does not provide a framework for decision making with respect to the relevant roles of different parts of the borough;
- f) It is also **inconsistent with national policy** in the failure to boost housing supply and provide for the minimum 15 years post adoption.

(Continue on a separate sheet / expand box if necessary)

Policy SS1

6. Please set out what modification(s) you consider necessary to make the Pre-Submission Local Plan legally compliant and sound, having regard to the matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) You will need to say why each modification will make the Pre-Submission Local Plan 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.

The changes necessary to policy SS1 are detailed in the accompanying statement (see paragraphs 2.80 & 2.81 and section 6).

(Continue on a separate sheet / expand box if necessary)

Please note your representation should cover succinctly all the evidence and supporting information necessary to support/justify your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions will be only at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification to the Pre-Submission Local Plan, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

Please note - whilst this will provide an initial indication of your wish to participate in the examination, you may be asked at a later point to confirm your request to participate.

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

To provide further assistance to the Inspector regarding the inconsistency of the draft Plan as detailed in the statement.

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. You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Part B – Please use a separate sheet for each representation

Your representation should cover all the evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations following this publication stage.

After this stage, further submission will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Name or Organisation :

Lavignac Securities Ltd

3. To which part of the Pre-Submission Local Plan does this representation relate?

Paragraph	<input type="checkbox"/>	Policy	<input type="checkbox" value="HA1"/>	Other, e.g. policies map, table, appendix	<input type="checkbox" value="Policies map"/>
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4. Do you consider the Pre-Submission Local Plan is? (place an X in the box to indicate which applies)

4.(1) Legally compliant (please refer to guidance notes)	Yes	<input type="checkbox" value="X"/>	No	<input type="checkbox"/>
4.(2) Sound (please refer to guidance notes)	Yes	<input type="checkbox"/>	No	<input type="checkbox" value="X"/>
4.(3) Complies with the Duty to Co-operate (please refer to guidance notes)	Yes	<input type="checkbox" value="X"/>	No	<input type="checkbox"/>

5. Please give details of why you consider the Pre-Submission Local Plan is not legally compliant or does not meet the tests of soundness or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Pre-Submission Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments. You are advised to read our Representations Guidance note for more information on legal compliance and soundness.

See enclosed statement which fully explains why Policy HA1 is unsound. In summary, policy HA1 is unsound for the following reasons:

- a) It is not **positively prepared** as it fails to include our clients land south of Broadley Green, Windlesham as an allocation;
- b) It is not **justified** as the plan's allocations are not supported by a proportionate evidence base.

(Continue on a separate sheet / expand box if necessary)

Policy HA1

6. Please set out what modification(s) you consider necessary to make the Pre-Submission Local Plan legally compliant and sound, having regard to the matters you have identified at 5 above.
(Please note that non-compliance with the duty to co-operate is incapable of modification at examination)
You will need to say why each modification will make the Pre-Submission Local Plan 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.

The changes necessary to policy HA1 are detailed in the accompanying statement (see paragraph 3.7 and section 6).

(Continue on a separate sheet / expand box if necessary)

Please note your representation should cover succinctly all the evidence and supporting information necessary to support/justify your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions will be only at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification to the Pre-Submission Local Plan, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

Please note - whilst this will provide an initial indication of your wish to participate in the examination, you may be asked at a later point to confirm your request to participate.

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

To provide further assistance to the Inspector regarding the inconsistency of the draft Plan as detailed in the statement.

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. You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Part B – Please use a separate sheet for each representation

Your representation should cover all the evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations following this publication stage.

After this stage, further submission will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Name or Organisation : Lavignac Securities Ltd

3. To which part of the Pre-Submission Local Plan does this representation relate?

Paragraph Policy H9 Other, e.g. policies map, table, appendix Policies map

4. Do you consider the Pre-Submission Local Plan is? (place an X in the box to indicate which applies)

4.(1) Legally compliant (please refer to guidance notes)	Yes	X	No	
4.(2) Sound (please refer to guidance notes)	Yes		No	X
4.(3) Complies with the Duty to Co-operate (please refer to guidance notes)	Yes	X	No	

5. Please give details of why you consider the Pre-Submission Local Plan is not legally compliant or does not meet the tests of soundness or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Pre-Submission Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments. You are advised to read our Representations Guidance note for more information on legal compliance and soundness.

See enclosed statement which fully explains why Policy H9 is unsound. In summary, policy H9 is unsound for the following reasons:

- 1) It is not **effective** as it will prevent delivery of the types of sites referenced by the Council in appendix 1 of the SLAA (at Table 5);
- 2) It is not **justified** as the approach of the policy will impact upon the provision of rural affordable schemes.

(Continue on a separate sheet / expand box if necessary)

Policy H9

6. Please set out what modification(s) you consider necessary to make the Pre-Submission Local Plan legally compliant and sound, having regard to the matters you have identified at 5 above.
(Please note that non-compliance with the duty to co-operate is incapable of modification at examination)
You will need to say why each modification will make the Pre-Submission Local Plan 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.

The changes necessary to policy H9 are detailed in the accompanying statement (see paragraphs 4.5 & 4.6).

(Continue on a separate sheet / expand box if necessary)

Please note your representation should cover succinctly all the evidence and supporting information necessary to support/justify your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions will be only at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification to the Pre-Submission Local Plan, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

Please note - whilst this will provide an initial indication of your wish to participate in the examination, you may be asked at a later point to confirm your request to participate.

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

To provide further assistance to the Inspector regarding the inconsistency of the draft Plan as detailed in the statement.

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. You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Part B – Please use a separate sheet for each representation

Your representation should cover all the evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations following this publication stage.

After this stage, further submission will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Name or Organisation :

Lavignac Securities Ltd

3. To which part of the Pre-Submission Local Plan does this representation relate?

Paragraph	<input type="checkbox"/>	Policy	<input checked="" type="checkbox"/> GBC1	Other, e.g. policies map, table, appendix	<input type="checkbox"/> Policies map
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4. Do you consider the Pre-Submission Local Plan is? (place an X in the box to indicate which applies)

4.(1) Legally compliant (please refer to guidance notes)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound (please refer to guidance notes)	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4.(3) Complies with the Duty to Co-operate (please refer to guidance notes)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

5. Please give details of why you consider the Pre-Submission Local Plan is not legally compliant or does not meet the tests of soundness or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Pre-Submission Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments. You are advised to read our Representations Guidance note for more information on legal compliance and soundness.

See enclosed statement which fully explains why Policy GBC1 is unsound. In summary, policy GBC9 is unsound for the following reasons:

- 1) It is not **effective** as it will prevent delivery of the types of sites referenced by the Council as part of their housing land supply (see analysis in response to policy SS1);
- 2) It is not **justified** as the approach of the policy will impact upon appropriate forms of development in the Green Belt; and
- 3) It is not **consistent with national policy** as the criteria are more onerous than that in NPPF paragraph 154.

(Continue on a separate sheet / expand box if necessary)

Policy GBC1

6. Please set out what modification(s) you consider necessary to make the Pre-Submission Local Plan legally compliant and sound, having regard to the matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) You will need to say why each modification will make the Pre-Submission Local Plan 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.

The changes necessary to policy GBC1 are detailed in the accompanying statement (see paragraph 5.5).

(Continue on a separate sheet / expand box if necessary)

Please note your representation should cover succinctly all the evidence and supporting information necessary to support/justify your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions will be only at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification to the Pre-Submission Local Plan, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

Please note - whilst this will provide an initial indication of your wish to participate in the examination, you may be asked at a later point to confirm your request to participate.

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

To provide further assistance to the Inspector regarding the inconsistency of the draft Plan as detailed in the statement.

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. You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**Pre-Submission Surrey Heath Local
Plan (2019-2038) (Regulation 19)
(July 2024)**

Surrey Heath Borough Council

**Representations submitted on behalf of
Lavignac Securities Ltd**

Prepared by:

Woolf Bond Planning Ltd

WBP REF: 7628

SEPTEMBER 2024



Woolf Bond Planning
Chartered Town Planning Consultants

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APPENDICES

1. Inspector’s Report into Examination of Watford Borough Local Plan 2018-36 (20th September 2022)
2. Inspector’s Report into Examination of Maidstone Borough Local Plan Review (8th March 2024)
3. Inspector's Report into Examination of the Bracknell Forest Local Plan (1 March 2024)
4. Schedule of Main Modifications to the West Berkshire Local Plan (May 2024) and Inspector’s preliminary questions response (September 2023).
5. Inspector’s letters regarding Horsham District Local Plan (23rd August 2024)
6. Inspectors letter regarding Elmbridge Local Plan (11th September 2024)
7. Draft NPPF (July 2024) and letters of Secretary of State to Local authorities and the Planning Inspectorate (30th July 2024)
8. Site location plan for land r/o 1-31 Broadley Green, Windlesham

9. Lichfields – Start to Finish – What Factors affect the build-out rates of large scale housing sites? (3rd edition) (2023)
10. Calverton PC v Nottinghamshire County Council [2015] EWHC 1078 (Admin)
11. St Albans City & District v Hunston Properties [2013] EWCA Civ 1610
12. Hundal v South Bucks DC [2012] EWHC 7912 (Admin)
13. Illustrative layout of erection of 20 dwellings in application 22/0935
14. Committee report and minutes for planning application for erection of 20 dwellings on land south of Beach House, Broadley Green, Windlesham (LPA ref 22/0935).
15. Decision notice for outline permission for the erection of 15 dwellings on land south of Beach House, Broadley Green, Windlesham issued on 30th September 2020 (LPA ref 18/0734).

1. INTRODUCTION AND SCOPE OF REPRESENTATIONS

Introduction

- 1.1 Our client (Lavignac Securities) has a controlling interest in **land located to the south of Broadley Green, Windlesham, hereafter referred to as ‘The Site’, which affords a sustainable location in providing for approximately 50 dwellings** along with associated landscaping and public open space. The extent of the site is shown by the combined extent in the “red line” on the plans included as appendices 8 and 13. The areas shown in appendix 13 has a resolution to grant planning permission (LPA ref 22/0935) for the erection of 20 dwellings which confirms the deliverability of this element of the site (see appendix 14).
- 1.2 The resolution to grant reflects the previously acceptance by the Council in the site’s suitability through the approval of fifteen dwellings on it on 30th September 2020 (LPA ref 18/0734). The land to the rear of 1-31 Broadley Green can be serviced off the road and access which the Council has resolved to approve in application 22/0935.
- 1.3 The combined site has previously been promoted through the Preferred Options consultation on the Emerging Local Plan (representations dated May 2022). Further to our submissions on earlier stages in the preparation of the Local Plan, the Council has failed to provide an appropriate strategy which seeks to meet the Borough’s development needs, especially with respect of housing. Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Local Plan adequately addresses the Borough’s housing needs in locations which are accessible to existing or committed infrastructure and services such as those at Windlesham, especially where the authority has confirmed that it would have limited impact upon Green Belt purposes. We therefore advocate changes to the Local Plan to address these matters.
- 1.4 Although the Council latest Strategic Land Availability Assessment (“SLAA”) (2023) indicates that the site to the rear of 1-31 Broadley Green (ref 915) has suitability

concerns by virtue of its Green Belt designation, this negates the planning history confirming the acceptability of housing on the site to the east, albeit as a rural exception scheme. For the reasons specified, the draft Submission Local Plan does not meet the minimum housing targets as set out in national policy and therefore further land should be identified, including that promoted by our clients at Windlesham. Additionally, since revisions to the Green Belt are envisaged in the draft submission Plan to exclude the village of Chobham and make a housing allocation, consistent with National Policy (NPPF paragraphs 145-149) this establishes the principle for further amendments such as that necessary to accommodate our clients land as an additional site.

- 1.5 Since Windlesham is an acknowledged sustainable location, it is an appropriate and suitable location for further allocations, thereby contributing towards addressing the significant housing needs of the Borough.
- 1.6 The current draft Local Plan fails to include our client's Site as a housing allocation. Accordingly, and for the reasons explained in our representations, including on account of failing to provide for the identified housing needs, the draft Local Plan currently being prepared by the Council will not reach adoption as it is neither legally compliant, nor does it comply with the tests of soundness at paragraph 35 (see also paragraph 16) of the NPPF (Dec 2023).
- 1.7 To address both these matters, further sites must be identified and allocated for residential development, which, for the reasons specified in this statement (and the earlier submissions¹), should include our client's land.
- 1.8 Our representations propose a number of changes to certain policies within the draft Local Plan, which must be addressed prior its submission for examination by the Secretary of State. This will both ensure that the Local Plan is sound and can effectively provide for the development needs of Surrey Heath Borough throughout an appropriate plan period.

¹ Including the letter on the Preferred Options Consultation dated May 2022.

-
- 1.9 As set out in the NPPF, Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Council to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to overburden and/or stifle sustainable and appropriate development.
- 1.10 In this instance, **the draft Local Plan needs to be amended to make it sound and to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance.**
- 1.11 **The amendments we think are necessary to make the Local Plan sound can be summarised as follows:**
- **The need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.**
 - **The Local Plan should cover the period 2023 to 2042 (The same 19 year period as envisaged in the current draft plan, albeit it is moved to commence in 2023 which is four years later than the current draft).**
 - **Provision should be made for at least 6,555 dwellings in Surrey Heath Borough (2023 to 2042) (equates to a minimum of 345dpa). On 30 July 2024, a new Written Ministerial Statement was published which expresses the firm intention to raise housing targets and facilitate housing delivery. This is now part of current national planning policy. In addition, the Written Ministerial Statement express a strong policy direction which should be accorded great importance. The Local plan should therefore embrace this evolving Standard Method for a more realistic and up to date housing requirement. Accordingly, the local plan should plan for circa 658 dwellings per annum with resulting additional allocations to meet these identified needs.**
 - **The Plan should include a spatial strategy detailing the role of the various settlements of the borough towards delivering the necessary growth. The settlement of Windlesham should be identified as one of the suitable locations for growth, consistent with the existing plan.**
 - **Land south of Broadley Green, Windlesham should be allocated as a baseline allocation for approximately 50 dwellings within policy HA1.**

Scope of Representations

1.12 Our client's representations upon the draft Joint Local Plan can be summarised as relating to the following Policies:

Policy	Representation
Policy SS1: Spatial Strategy	Objection
Policy HA1: Site Allocations	Objection
Policy H9: Rural Exception Sites	Objection
Policy GBC1: Development of New Buildings in the Green Belt	Objection
Omission site – land south of Broadley Green, Windlesham	Objection

1.13 In preparing the representations upon the draft Submission Plan, we have taken into account the following evidence-base documents:

- Sustainability Appraisal of the Draft Local Plan
- Strategic Land Availability Assessment (SLAA) (2023)
- Housing Needs Assessment (November 2023)
- Housing and Green Belt Exceptional Circumstances Topic Papers
- Other evidence commissioned by the Council including for earlier Development Plans. This includes the Green Belt Assessment.
- Local Development Scheme (March 2024)

1.14 We have also considered the following figures and publications:

- National data sets including Median Workplace based affordability ratios, results of the 2021 Census, travel to work data, economic growth/performance information and sub-national projections.
- Inspectors' Reports into Examinations of Watford Borough Local Plan 2018-36 (20th September 2022), Maidstone Borough Local Plan (8th March 2024) and Bracknell Forest (1st March 2024).
- Correspondence with respect to the examination of other Submitted Local Plans including those of Elmbridge Borough, West Berkshire Council, Horsham District Council and Mid Sussex District Council.
- Monitoring data compiled by Surrey Heath Borough Council.

- Written Ministerial Statement (30 July 2024)
- Announcements of the current Government including the Draft NPPF and associated correspondence with local authorities, stakeholders and the Planning Inspectorate (especially the letters sent on 30th July 2024)

2. POLICY SS1: SPATIAL STRATEGY

Context

- 2.1 Policy SS1 indicates that the Local Plan will provide for at least 5,578 dwellings in the Borough from 2019 to 2038.
- 2.2 Paragraph 2.5 of the Draft Plan confirms that this requirement is derived from the Local Housing Need figure of 321 dwellings annually. This paragraph indicates that over the plan period 2019 – 2038 (19 years), seeking at least 321 dwellings each year equates to a housing target of 6,111 dwellings².
- 2.3 Paragraph 2.7 of the Draft Local Plan indicates that Hart District is committed to providing 41 dwellings annually towards Surrey Heath’s needs until 2032. Over the plan period in the draft Local Plan which starts in 2019, this provides 13 years of such contribution. The overall contribution towards Surrey Heath Borough’s needs is 533 dwellings, which once deducted from the requirement of 6,111 dwellings results in the target of 5,578 dwellings specified in policy SS1.
- 2.4 Surrey Heath within Appendix 9 of the SLAA 2023 (published March 2024) details the derivation of their housing requirement through application of the Local Housing Need (LHN) calculation specified by the NPPF (paragraph 61) and the methodology outlined in the PPG³. Within paragraph 2.2 it uses 2023 as the base year for reviewing average change in households. Consequently, as this is the “current” year within Step 1 of the LHN calculation specified in the PPG⁴, any delivery of homes prior to this point are irrelevant since they will have been included in the estimates of households within the projections.
- 2.5 As detailed in the PPG⁵, the affordability adjustment within Step 2 is specifically applied to address any past under delivery. Consequently, the plan period must start with the choice of “current” year within the LHN calculation. The start of the plan period should therefore be no earlier than April 2023 rather than April 2019

² 321 x 19

³ Housing and economic needs assessment section, ID ref 2a-004-20201216

⁴ Housing and economic needs assessment section, ID ref 2a-004-20201216

⁵ Housing and economic needs assessment section, ID ref 2a-011-20190220

as currently outlined. Additionally, it is noted that the other data in the SLAA, especially with regard to extant planning permissions and the appraisal of the other sources of supply (appendices 2, 4, 6 & 7) also rely upon 31st March 2023 as the relevant base date. The Council therefore has a comprehensive data set of the housing need and related sources of supply as of 1st April 2023. This must therefore be used as the starting point for the plan period, given the requirement in the NPPF (paragraph 31) for the document to be “**underpinned by relevant and up-to-date evidence**”.

- 2.6 The approach of Surrey Heath in commencing their plan period several years prior to the submission of their Local Plan, and including completions in the intervening period reflects that initially envisaged in the document prepared by Watford Borough⁶. Through the examination of the Watford Local Plan, the commencement date was revised to ensure that completions were omitted from the supply of dwellings⁷. Although the Watford Local Plan was examined under the 2021 NPPF, this section of the NPPF regarding evidence base is unchanged and therefore will equally apply for the forthcoming assessment of Surrey Heath Borough’s Local Plan.
- 2.7 The need to ensure the base date of the plan aligns with the evidence base has also been endorsed through the examinations of the Local Plans by West Berkshire Council and Maidstone Borough Council. This further illustrates the consistency of that approach with national guidance.
- 2.8 Whilst the Duty to Co-operate Statement references the continued commitment of Hart District to contribute 41dpa towards Surrey Heath’s housing needs, for the reasons specified, this contribution can only be relied upon from April 2023 until March 2032. This is therefore a nine-year period reducing the maximum contribution of Hart District towards the overall requirements of Surrey Heath Borough.

⁶ See Inspectors Report - extract included as appendix 1 of this statement

⁷ See appendices 4 and 5 of this statement.

- 2.9 Therefore, although the Draft Submission Plan includes an allowance of 533 dwellings⁸ from delivery within Hart District, as the Plan period cannot start earlier than April 2023, this should be reduced to a maximum of 369 dwellings⁹.
- 2.10 Alongside the use of 2023 as the starting point for the assessment of local housing need, appendix 9 of the SLAA includes use of the 40% cap over household projections in determining the minimum requirement. Whilst this reflects the guidance in the PPG¹⁰, a subsequent section¹¹ is clear that **“the cap reduces the minimum number generated by the standard method, but does not reduce the need itself”**. It continues by stating **“where the minimum annual local housing need figure is subject to a cap, consideration can still be given to whether a higher level of need could realistically be delivered”**. In the context of application of the cap, the SLAA only references the median workplace base affordability ratio from 2022 whereas the 2023 figures were published on 25th March 2024. The 2023 affordability ratio for Surrey Heath is 12.08 which results in an affordability adjustment factor of 1.505. The uncapped annual housing requirement is therefore 345 dwellings.
- 2.11 Omitting the period 2019 to 2023 from the Borough’s housing requirement to ensure consistency with the NPPF (paragraph 31), and the conclusions of other inspectors alongside omission of delivery during that period would result in the following determination of need, as shown in table 1.

Table 1: Comparison of derivation of requirements for Plan period

Plan period	2019 - 2038	2023 - 2038
Capped Local Housing Need	321dpa	321dpa
Overall housing requirement	6,099 ¹²	4,815
Less Hart District contribution (41dpa until 2032)	533	369
Residual requirement	5,566	4,446
Annual equivalent	293	296

⁸ 41dpa from 2019 to 2032 (13 years) as indicated in paragraph 2.7 of the Draft Submission Local Plan

⁹ 41dpa from 2023 to 2032 (9 years).

¹⁰ ID ref 2a-004-20201216

¹¹ ID ref 2a-007-20190220

¹² Paragraph 2.5 of Draft Submission Local Plan states this figure is 6,111.

- 2.12 The use of 345 dwellings as the annual housing requirement would result in an increase of 24 dwellings (7%) each year compared to the capped figure (321dpa). It also represents an increase of 52 dwellings (18%) compared to the equivalent annual figure of 293 dwellings as shown in table 1. Given the clear approach in the NPPF of significantly boosting the supply of housing (paragraph 60), the uncapped figure should have been assessed as a “reasonable alternative” within the Sustainability Appraisal.
- 2.13 However, the Sustainability Appraisal (paragraphs 5.2.16 to 5.2.25) does not consider the implications of higher growth than that the implied housing requirement of 294dpa¹³ other than through the inclusion of a Garden Village at Fairoaks (table 5.1).
- 2.14 The information in the draft Submission Local Plan (Table 3), indicates that excluding the completions achieved from 2019 to 2023 leaves a residual supply of 4,511 dwellings. This results in a very marginal surplus of 65 dwellings¹⁴ compared to a corrected assessment of the requirement for a plan starting in 2023, (also allowing for a contribution in Hart District). However, given the need to consider significantly higher levels of growth, especially those achieving the minimum uncapped requirements at 345dpa, the Council’s suggested supply would be insufficient. This is irrespective of the implications arising from the Ministerial Statement dated 30th July 2024 which represents national policy and the resulting need to plan for a higher annual requirement of 658 dwellings.
- 2.15 The identified supply of 4,511 dwellings from April 2023 to March 2038 is heavily dependent upon the realism of the Council’s expectations of delivery from all the identified sources. For the reasons outlined below, we dispute the Council’s expectations, especially as the contents of the SLAA 2023 are insufficient to demonstrate deliverability and/or developability. The nature of the evidence, especially to demonstrate short term supply is highlighted in the request from the Inspector examining the submitted Horsham District Local Plan (see paragraphs 8

¹³ Explained as 280dpa from 2019-32 and 321dpa from 2032-38, reflecting the contribution of Hart district (see paragraph 5.2.23 of the Sustainability Appraisal). It is noted that Table 1 indicates that the implied equivalent annual rate is 293 dwellings.

¹⁴ 4,511 – 4,815

& 9 of letter of 23rd August 2024) and that for Chichester District’s Local Plan (see question 8 of letter of 22nd July 2024).

Realism of SLAA.

- 2.16 The SLAA provides extremely limited evidence of both deliverability and/or developability given the nature of information necessary, as illustrated by the Inspector’s requests for additional documents as illustrated by the ongoing examinations of Chichester and Horsham’s Local Plans. An illustration of the limited evidence with respect to deliverability is the Council’s expectation of delivery on site ref 407 (Highways Farm, 226 London Road, Bagshot). Although the Council have suggested that the site will contribute 8 dwellings (net) within 5 years, no evidence to support this has been supplied. Furthermore, as of 1st September 2024, no applications are pending on the site. Whilst our clients do not dispute that this site has potential for residential development, the Council’s expectations are unjustified and fall short of what is required to confirm deliverability and/or developability.
- 2.17 Alongside the unsupported reliance upon the deliverability of site 407 in the SLAA, the Council’s approach and contended quantum of dwellings expected from the sites listed in the SLAA (whether or not allocated in the Local Plan) is not supported by the necessary evidence as explained.

Table 2: Site listed in SLAA which entail redevelopment of previously developed land in the Green Belt with no evidence on the assessment of site capacity against criteria g of NPPF paragraph 154.

Policy Ref	SLAA ref	Location	Dwellings
HA1/17	548	Broadford, Castle Grove Rd, Chobham	15
n/a	799	North of Old House Lane, West End	6
n/a	153	Land south of Fenns Lane, West End	7
n/a	834	Broadway Green Farm, Broadway Rd, Windlesham	5
Total			33

- 2.18 The sites listed in Table 2 are proposed to be retained in the Green Belt, although are envisaged to contribute towards housing delivery over the plan period. The Council’s approach is predicated on the potential to redevelop previously development land on the respective sites consistent with NPPF paragraph 154(g). However, no evidence has been provided demonstrating how the quantum

envisaged has been determined having regard to the tests in this section of the NPPF, especially an assessment of the existing scale and bulk of built form on the sites. Any proposals on these sites would need to accord with the NPPF and proposed policy GBC1 of the draft Submission Local Plan.

- 2.19 The concerns over the Council’s reliance of these sites can be addressed by their inclusions as allocations with further criteria detailing the factors for consideration consistent with the NPPF (paragraph 154(g)). In the absence of detailed criteria, we have omitted their inclusion as part of the supply, albeit as indicated this can be addressed as indicated.
- 2.20 The sites listed in Table 3 are proposed to be retained in the countryside beyond the Green Belt, although are also envisaged to contribute towards housing delivery over the plan period. The Council’s approach is predicated on the potential to redevelop previously development land on the respective sites as envisaged in proposed policy GBC4 of the draft Submission Local Plan. However, this only permits proposals on sites allocated in policy HA1. As Table 3 indicates, there are five sites not identified in policy HA1, although they are expected to contribute 30 dwellings towards the Council’s overall supply.

Table 3: Site listed in SLAA which entail redevelopment of previously developed land in the Countryside beyond the Green Belt. As indicated, not all are allocated by policy HA1.

Policy Ref	SLAA ref	Location	Dwellings
n/a	407	Highways Farm, 226 London Rd, Bagshot	8
n/a	901	212 London Rd, Bagshot	5
HA1/18	757	Land north of Guildford Rd, Deepcut	21
n/a	922	Ballydown, Lake Rd, Deepcut	5
HA1/20	920	The Grange, St Catherines Rd, Deepcut	17
n/a	503	Land east of Bellow Rd, Deepcut	5
HA1/22	912	Land adj Sherrard Way, Mychett	16
n/a	1000	10 Willow Close, Mychett	7
HA1/27	887	Land at Loen, St Catherines Rd, Deepcut	60
Total			144

- 2.21 Whilst we do not object to the potential of the sites listed in tables 2 and 3 contributing dwellings at a future point in time (including outside of the envisaged Plan period), the Council’s expectations are not supported by the necessary

proportion evidence base as obligated by NPPF paragraph 31. This can be readily addressed through the preparation of the necessary evidence alongside their inclusion as formal allocations in the plan.

- 2.22 If the Council accepts that the sites (especially those providing between 5 and 9 dwellings) are allocated, the Council would need to detail the relevant criteria for considering the acceptability of schemes. It would also need to undertake further consultation to ensure effective public engagement. Without this engagement, the draft plan would not accord with the requirements within the Statement of Community Involvement, nor the legal obligations associated with this within the Development Plan regulations.
- 2.23 Whilst the suitability of sites in settlements for between 5 and 9 dwellings is not disputed, the Council's expectations include an element of duplication as some sites are included in the schedules of those with extant permission (SLAA, appendix 4). This is illustrated by the expectation for 5 dwellings on land rear of 110A-110E Frimley Road, Camberley (SLAA ref 1009), even though the site has extant permission for 4 dwellings (LPA ref 21/1108)¹⁵. This site would therefore only contribute one dwelling towards the overall supply, a reduction of 4 to avoid double counting with the extant permission.
- 2.24 The draft submission Local Plan (paragraph 3.3) indicates that sites of between 5 and 9 dwellings are neither allocated or included in the windfall allowance although they are assessed a deliverable or developable in the SLAA, notwithstanding they did not have planning permission at the base date of 1st April 2023. Nevertheless, they are an important component of the Council's supply which as table 3 of the draft plan indicates, will contribute 137 dwellings.
- 2.25 Table 2 shows that 18 dwellings are to be delivered on sites of between 5 and 9 dwellings in the Green Belt with table 3 demonstrating that a further 30 dwellings are expected on sites in the countryside beyond the Green Belt. As outlined, we do not believe that there is adequate proportionate evidence to rely upon the 48 dwellings anticipated during the plan period on these sites. This is because there

¹⁵ See page 276 of SLAA (fifth row).

is insufficient evidence of the suitability of the sites for the 48 dwellings and how any scheme would be acceptable in the context of the NPPF as amplified by the emerging Local Plan.

2.26 The NPPF's Glossary provides guidance on how deliverability and developability are to be assessed. This includes consideration of the realism of build rates for each site and source detailed. Again, whilst the overall potential for the London Road, Camberley block in policy HA2 contributing 524 dwellings is acknowledged, especially as the site is identified as an area of search in the existing Camberley Town Centre Area Action Plan (Policy TC18), these are unlikely to be provided in the years 11 to 15 as advanced. The very limited likelihood of construction starting earlier than year 11 due to the complexity and viability constraints as indicated on page 104 of the SLAA is acknowledged. However, the construction of the expected 524 dwellings (net) in the subsequent five years does not reflect that achieved on other sites nor in the analysis provided by Lichfields in the third edition of "Start to Finish"¹⁶.

2.27 Table 4.2 of the Lichfield's Report indicates that for comparable sites of 500 to 999 dwellings have annual build rates of around 70 dwellings. This rate also compares with that achieved to date from the overall development at the former Princess Royal Barracks, Deepcut as shown in Table 4. Table 4 shows an annual average delivery of 72 dwellings, which is below that for comparable sites in Table 4.2 of Lichfields which suggests around 110 dwellings (sites of 1,000 to 1,499 dwellings).

Table 4: Build rates achieved at the former Princess Roal Barracks, Deepcut¹⁷

Year	2019/20	2020/21	2021/22	2022/23	Total
Completions	58	50	67	113	288

2.28 The Lichfields analysis alongside that specific for Surrey Heath in Table 5 would suggest that delivery on the London Road block in Camberley is more likely to be around 70 dwellings annually. This results in a maximum of 350 dwellings on the site in the Plan period. This is a reduction of 174 dwellings compared to the Council's expectation.

¹⁶ Appendix 9.

¹⁷ Data sourced from the Authority Monitoring Reports

- 2.29 Table 4 therefore indicates that the realistic delivery for the former Princess Royal Barracks site (Draft Submission Local Plan Policy HA4) should be reduced from 125dpa¹⁸ to 70dpa. This is a reduction of 55 dwellings each year. Whilst this will reduce its contribution towards maintaining a rolling five-year supply of housing, the outstanding 910 dwellings on the site¹⁹ will still be built out within the current plan period with construction completed after 13 years i.e. by March 2036²⁰.
- 2.30 Therefore, the overall expectations from these SLAA sites should be reduced accordingly resulting in a reduction of at least 226 dwellings²¹

Windfalls

- 2.31 Within the Council's windfall allowance of 37 dwellings annually from April 2025 through to March 2038 (13 years), we dispute that there is the evidence obligated by NPPF paragraph 72. Before detailing the specific reasons for objecting to the specific sources relied upon, it is noted that Tables 3 and 4 of the SLAA (Appendix 1) provides totals for the past completions. They do not provide annual delivery by location which prevents any consideration of whether the performance has varied or been consistent year of year. In the case of variation, it would be essential to know the trends in performance, especially given requirements of NPPF paragraph 72 to provide comparison with historic rates and the reasonableness of future trends.
- 2.32 Alongside this general comment, the reasons for the rejection of the Council's expectation for 37 dwellings annually is detailed below.
- A) Whilst appendix 1 of the SLAA indicates that the general windfall delivery rate is for 25.4 dwellings annually (as per paragraph 4.10), paragraph 4.7 suggests that the figures are derived from the average of permissions. This contrasts with the data in Table 3 of Appendix 1 of the SLAA which references completion rates. Whilst not challenging these figures, paragraph 4.13 notes that the pool of extant permissions at 1st April 2023 was 69. As Table 3 indicates, average completion rates from small sites was 25.4

¹⁸ See Table 1, page 287 of the SLAA

¹⁹ See Table 1, page 287 of the SLAA

²⁰ 13 x 70 = 910

²¹ At least 18 dwellings from table 2, at least 30 dwellings from unallocated sites in table 3, four dwellings to avoid double counting on land to rear of 110A-110E Frimley Rd and 174 dwellings from the London Road, Camberley block.

dwellings, it will take nearly 3 years for these to be built out, rather than two years as advanced in paragraph 4.13. Therefore, the allowance from small sites should be reduced by 25 dwellings.;

- B) Paragraphs 4.14 to 4.21 of the SLAA (Appendix 1) notes that past delivery from prior approvals equates to 7.1 dwellings annually (confirmed by Table 4 and paragraph 4.20). However, as such sites would have been included in the overall past delivery on small sites, a further allowance for dwellings arising through Prior Notifications is unjustified, and represents a double counting from this source, contrary to the Council's approach as contended in paragraph 4.18²². This element of the windfall supply must be omitted; and
- C) Paragraphs 4.22 to 4.30 reference the past contribution from rural affordable housing exception schemes. Whilst paragraph 4.24 references that permissions for such schemes provides for 50 dwellings from 2012 to 2023 (equating to 4.5 homes annually), no information on completion rates is provided. In the context of past performance, our clients are aware that 35 affordable homes were approved in Chobham and were completed in this period²³. A review of the Council's Monitoring Reports indicates that a further 15 affordable homes through the exception route were approved on our client's land²⁴. However, this permission has lapsed with a further application for 20 dwellings subject to a resolution to grant consistent with the Committee decision of 23rd May 2024 (LPA ref 22/0935). Whilst it is not disputed that permissions for rural exceptions arise, existing and proposed Local Plan policy requires clear evidence of a need for such units both in short and long term. Although Table 5 of the SLAA (Appendix 1) lists several potential rural exception sites, they are all within the same ward. The Council has not provided clear evidence that further rural exception schemes can be supported consistent with the approach of the Plan. In the absence of this clear evidence, no allowance for rural exception sites can be included. The result of this is a reduction of 4.5 dwellings annually from the Council's allowance (as suggested in paragraph 4.29).

- 2.33 These adjustments reduce the Council's windfall allowance from 37 dwellings annually (over the period 2025-2038) to 25 dwellings annually from 2026 to 2038. Whilst the Council relies upon 481 dwellings from windfalls over the period, our position is that the maximum is 300 dwellings (a reduction of 181 dwellings).

²² The list of permissions which totals 69 dwellings as relied upon for the general allowance (as per paragraph 4.13) includes prior approval consents as listed in appendix 4. The prior approvals on small sites are two dwellings at 419 London Road, Camberley (LPA ref 22/1020), two dwellings at 27 Frimley High Street, Frimley (LPA ref 18/0520), one dwelling at Windlecroft Farm, Windlesham Road, Chobham (LPA ref 21/0210), one dwelling at 64 High Street, Camberley (LPA ref 20/0780) and one dwelling at 2B High Street, Camberley (LPA ref 22/0712). This is a total of 7 dwellings through prior approvals.

²³ Little Heath Nursery, Hill Lane, Chobham approved 26th July 2016 (LPA ref 16/0389)

²⁴ LPA ref 18/0734 approved 30th September 2020

Conclusions on supply.

- 2.34 Table 5, therefore compares table 3 of the Submitted Local Plan with the maximum expected delivery over a plan period commencing in April 2023, having regard to the adjustments above to the expected provision of windfalls, allocations and the SLAA. This is taking account of the capped housing requirements, although as indicated we contend that the uncapped figure should be used.

Table 5: Comparison of expected delivery 2023-2088.

Source	Council	WBP	Difference
Outstanding capacity (sites with permission at 31/3/23)	2,034	2,034	0
Permission lapse rate	-44	-44	0
Allocated sites	1,903	1,725	178
Non-allocated SLAA sites	137	89	48
Windfall sites	481	300	181
Total	4,511	4,104	407

- 2.35 Table 5 therefore indicates that the evidence accompanying the draft Submission Plan suggests that over the period April 2023 to March 2038, there is a realistic expectation for 4,104 dwellings to be delivered, a reduction of 407 dwellings compared to the Council's figures when assessed over the 2023 to 2038 period.
- 2.36 Table 1 indicated that over a plan period which commences in April 2023, the borough's capped housing requirement is for at least 4,446 dwellings. Our assessed supply of 4,104 dwellings is therefore insufficient to meet the Borough's housing needs, notwithstanding the agreed contribution of Hart district towards unmet housing needs of 41dpa. Our assessed supply is 342 dwellings short of the minimum submission local plan requirement, notwithstanding that our view is that the Council should seek to address the uncapped housing targets and address the implications arising from the Ministerial Statement dated 30th July 2024 regarding the new more realistic housing need figure of 658 dwellings per annum²⁵.

²⁵ Consideration of the Written Ministerial Statement reflects paragraph 4 of the Interim Conclusions of the Inspector examining the Elmbridge Local Plan (See Appendix 6).

- 2.37 In comparison to the alternatives considered in the Sustainability Appraisal (Table 5.1), the overall supply from 2019 to 2038 would be 5,605 dwellings. This is only a surplus of 27 dwellings (0.5%) above the minimum requirements for 5,578 dwellings which illustrates the fragility of the Council's supply.
- 2.38 Whilst this section of the representation has explored the start date for the plan and reviewed the sources of supply advanced by the Council, the current proposed end date of 2038 conflicts with the advice in NPPF paragraph 22. This is clear that strategic policies should extend for at least 15 years from the anticipated adoption date. The next section of the representations covers this topic.

Robustness of Plan period

- 2.39 Although the Council's latest Local Development Scheme (March 2024) indicates that consultation on the Draft Submission Plan is to occur during summer 2024 followed by submission in winter 2024/2025 and adoption in autumn 2025, this is not considered realistic.
- 2.40 A review of the time taken for the examination of Strategic Local Plans submitted for examination²⁶ since the end of the transition period in paragraph 227 of the NPPF (December 2023)²⁷, indicates that they have taken (on average) 606 days from submission to the issuing of the Inspector's Report. Adoption of the plan is therefore after this point.
- 2.41 Assuming submission of the Plan is feasible in December 2024, allowing 606 days (roughly 20 months) before an Inspector's Report is received indicates that the Plan's adoption will not take place before February 2027.
- 2.42 Furthermore, irrespective of the unjustified and optimistic assumptions regarding the examination of the Local Plan, the information on housing monitoring (as confirmed in Table 3 of the Draft Plan) relates to periods from 1st April to the subsequent 31st March. Even assuming adoption of the Local Plan was feasible in

²⁶ [Local Plan: monitoring progress - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118111/local-plan-monitoring-progress-2019-2024.pdf) which summarises progress on strategic plans. The latest information is analysis up to 8th August 2024.

²⁷ Submitted on or before 24th January 2019.

autumn 2025 (as outlined in the LDS), the envisaged Plan period of April 2019 to March 2038 would not provide for 15 years post adoption.

- 2.43 As currently envisaged, the plan would only provide for 12 years post adoption (1st April 2026 to 31st March 2038). Furthermore, having regard to the analysis of other Local Plans submitted since 25th January 2019 and consequently examined under the 2018, 2019, 2021 or 2023 versions of the NPPF (with their associated advice on both determining housing need and assessing the robustness of land supply), a more realistic adoption date is after February 2027. Therefore, to ensure a full 15 years monitoring underpins the plan period consistent with the NPPF (paragraph 22), the plan period must include from 1st April 2027 to 31st March 2042.
- 2.44 Therefore, having regard to the above analysis the plan period for the forthcoming Local Plan should relate to 1st April 2023 until 31st March 2042 rather than 1st April 2019 to 31st March 2038.
- 2.45 Consequently, the Borough's housing requirement would be for at least 345 dwellings over the 19 years outlined which is a total of 6,555 dwellings²⁸. This contrasts with the unjustified requirement of 5,578 dwellings detailed in policy SS1, albeit as indicated in Table 1, applying a consistent plan start date of 1st April 2023, the borough's housing requirements (still assuming Hart district's contribution towards unmet needs of 41dpa (2023-32) i.e 369 dwellings is appropriate) results in a need to at least 6,186 dwellings.
- 2.46 Whilst this is an increase of 608 dwellings on the current requirements, since the completions achieved 2019 to 2023 (1,501 dwellings) also need to be omitted, the overall increase is 2,109 dwellings.
- 2.47 Ensuring alignment between the base date selected and information on the sources of supply (which we advocated should be 2023) reflects the conclusion of Inspector's reviewing other Local Plans. This is illustrated by the conclusion of the Inspector examining the Local Plan for Watford Borough (September 2022) (included as **Appendix 1**).

²⁸ Alternatively, applying the capped requirement of 321dpa, the requirement would be a minimum of 6,099 dwellings

- 2.48 The Watford Local Plan Inspector (paragraphs 26 and 27) considered the matter and advocated a change in the plan period. These paragraphs state:

Plan period

26. The submitted Plan covers the period 2018 to 2036. However, the start date needs to be modified to 2021 so that it is as up-to-date as possible on adoption and consistent with national policy and guidance relating to the standard method for establishing local housing need. Furthermore, to ensure that strategic policies look ahead over a minimum of 15 years from adoption as required by national policy, the end date needs to be modified to 2038 [MM2 to MM11, MM14, MM38, MM59, MM60, MM77, MM88, MM156, MM248 and MM257]. I deal with the implications of this for various aspects of the Plan, including housing and employment land needs and supply, below.

Household growth and housing requirement

27. Policy HO3.1 and paragraph 3.1 refer to 14,274 homes (793 per year) in the period 2018 to 2036 to meet local housing need as determined using the government's standard method. However, the standard method indicates that, when the Plan was submitted for examination in 2021, the annual need figure was 784 homes per year. National guidance expects housing need to be updated until the Plan is submitted. Policy HO3.1, and other parts of the Plan as appropriate, therefore need to be modified to refer to a minimum housing requirement of 784 net additional homes per year which represents a total of 13,328 in the modified plan period of 2021 to 2038 [MM13, MM56, MM62, MM172 and MM246].

- 2.49 The Watford Borough Local Plan was adopted on 17th October 2022²⁹ and therefore given they (like Surrey Heath) undertake monitoring on periods from 1st April to 31st March of the subsequent year, the Plan period in extending through to 2038 provides the minimum 15 years post adoption required by the NPPF.
- 2.50 In the context of considering the availability of data and how this informs the derivation of Local Housing Need, this was considered by the Inspector examining the submitted Maidstone Borough Local Plan.

²⁹ [local-plan-adoption-statement \(watford.gov.uk\)](https://www.watford.gov.uk/local-plan-adoption-statement)

2.51 In the Maidstone Local Plan Inspector's Report (**Appendix 2**) (March 2024), the relevance of the date of evidence on land supply was considered in paragraphs 50 and 51. These state:

50. The Plan was submitted in March 2022 and anticipated to be adopted by the end of 2022 such that the proposed plan period to 2037 would have looked ahead for 15 years as sought by paragraph 22 of the NPPF. Given the complexity of the examination that has not happened. Accordingly, it was proposed early in the examination to extend the plan period by one year to 31 March 2038. The reality is that with plan adoption now in 2024, even on this extended basis there would be a small undershoot on a 15 year period. I do not, however, consider that to be a further soundness issue. For reasons set out later in this report, the submitted plan seeks to put in place key components of a spatial strategy that will endure well beyond a 2038 plan period

51. The start date of the plan period will need to be amended from 1 April 2022 as submitted. Adjusting the start date to 1 April 2021 would align with much of the submitted evidence base, including the SHMA12 and EDNS. It would also reflect that the Plan was submitted for examination before 1 April 2022. Furthermore, it would enable an initial two years monitoring data on housing delivery in 2021/23 to be accounted for in the housing trajectory. Accordingly, I recommend MM7 which would adjust the plan period and so ensure the Plan would be justified in terms of aligning with the evidence base against which it was prepared.

2.52 Consideration of the relationship between monitoring data and the length of the Plan period has also been considered by West Berkshire, as detailed in their response of September 2023 to the Inspector's Preliminary Questions³⁰.

2.53 Of relevance is West Berkshire Council's response to the Inspector's Preliminary Question number 19, which sought a response to why Strategic Policies of the Plan did not look forward a minimum of 15 years after adoption as expected by national policy.

2.54 West Berkshire Council's response (see page 40 of **Appendix 3**) was to extend the plan period for 2 years, to take account of the use of quasi financial years (1st April

³⁰ Copy included as Appendix 3

to following 31st March) for monitoring alongside an extended examination period. The full response of West Berkshire was:

In accordance with the Local Development Scheme (LDS, 2023) (CD9), the LPR is due to be adopted in September 2024 with an end date of 2039. However, the Council acknowledge the need for the Plan to cover full financial years post adoption, which coincide with the planning monitoring year. An adoption date of September 2024 would fall within monitoring years 2024/25 and as such an additional year would need to be added to the plan period to ensure a full 15 years from adoption in accordance with the NPPF.

However, the Council is mindful that as a result of the agreed extension to the deadline for responding to the Preliminary Questions, the hearing sessions are now unlikely to start until 2024. This could therefore result in the LPR not being adopted until 2025/26 and in which case a further year may need to be added to the plan period bringing this to 2040/41.

The Council therefore proposes Main Modifications to the plan period to extend this by two additional years to 2041 to add resilience to the process. It is proposed these changes are made throughout the LPR document as appropriate where reference is made to the plan period ending in 2039.

- 2.55 The Plan period of the Elmbridge Local Plan (current at Examination) has also been extended until at least 2024, as indicated in paragraph 6 of the Interim letter (see appendix 6).
- 2.56 The approaches of Maidstone, Watford, West Berkshire and Elmbridge all indicate an acceptance of a need to adjust the Plan period of their respective local plans to ensure that they comply with the clear obligations in national policy to provide at least 15 years after adoption.
- 2.57 Although it is acknowledged that the Inspector examining the Bracknell Forest Local Plan (see appendix 3) accepted that the document in that instance could not provide for 15 years at adoption, as noted in paragraph 29 of the Inspector's Report, this was a consequence of the delays in consulting on Main Modifications. Nevertheless, as acknowledged by the Inspector (paragraph 30), the Plan had sufficient flexibility to meet that authority's needs and the review obligated by

Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) would provide the longer-term needs. However, this contrasts with the approach in Surrey Heath which as detailed does not even provide for the minimum 15 years based upon its anticipated adoption date as stated in the LDS.

- 2.58 Although the Plan period for the Bracknell Forest Local Plan commences in April 2020, this was consistent with the advice in paragraph 31 of the NPPF, given the consultation on the draft submission document commenced in March 2021 (as noted in paragraph 3 of the Inspector's Report). It was therefore in advance of the collation of housing monitoring and other data with respect to 31st March 2021.
- 2.59 Therefore, it is clear that the plan period must be extended, as even on the Council's own unrealistic timetable it fails to provide for at least 15 years after the envisaged adoption date obligated by NPPF paragraph 22.
- 2.60 Extending the Plan period necessitates the identification of further housing sites, alongside the 342 dwellings required to resolve the shortfall detailed above with respect to the currently drafted Plan. To address both the shortfall and the extended plan period (assuming Hart district continues its contribution towards unmet needs) therefore requires sites for at least 2,101 dwellings, albeit it is acknowledged that there could be an additional contribution of 100 dwellings through windfalls between April 2038 and March 2042.

Draft NPPF

- 2.61 The representations have been drafted in the context of the current NPPF (December 2023). The Government from 30th July until 24th September 2024 is consulting upon a draft NPPF. Draft paragraph 226 of the consultation document indicates that the approach of the revised guidance would apply for the examination of Local Plans where this was submitted within a month of its release.
- 2.62 The timeframes envisaged in the current LDS could result in submission after the end of the transition period as this is currently scheduled for Winter 2024/25 and consequently should the final NPPF reflect the draft, it must ensure it complies with the new guidance. Given the Government's objectives of ensuring

construction of at least 1.5 million dwellings before the next general election (which must occur on or before Thursday 29th August 2029), the final version of the NPPF is expected before the end of 2024 and therefore the transition period could also expire before then.

- 2.63 Alongside the draft NPPF, the Government issued indicative housing requirements which any new Local Plan must achieve. For Surrey Heath Borough, the indicative figure is 658dpa, which is significantly above either the capped figures in the Local Plan of 321dpa or uncapped figure of 345dpa.
- 2.64 The letter from the Secretary of State to the Local Authorities issued alongside the draft NPPF on 30th July 2024 is important as it outlines the Governments expectations for Councils and how they should deal with the draft NPPF. This includes the following of relevance to the emerging Surrey Heath Local Plan:

Earlier today, I set out to the House of Commons the Government's plan to build the homes this country so desperately needs. Our plan is ambitious, it is radical, and I know it will not be without controversy – but as the Prime Minister said on the steps of Downing Street, our work is urgent, and in few areas is that urgency starker than in housing.

Universal coverage of local plans

I believe strongly in the plan making system. It is the right way to plan for growth and environmental enhancement, ensuring local leaders and their communities come together to agree the future of their areas. Once in place, and kept up to date, local plans provide the stability and certainty that local people and developers want to see our planning system deliver. In the absence of a plan, development will come forward on a piecemeal basis, with much less public engagement and fewer guarantees that it is the best outcome for your communities.

That is why our goal has to be for universal coverage of ambitious local plans as quickly as possible. I would therefore like to draw your attention to the proposed timelines for plan-making set out in Chapter 12 of the National Planning Policy Framework (NPPF) consultation. My objective is to drive all plans to adoption as fast as possible, with the goal of achieving universal plan coverage in this Parliament, while making sure that these plans are sufficiently ambitious.

This will of course mean different things for different authorities.

- For plans at examination this means allowing them to continue, although where there is a significant gap between the plan and the new local housing need figure, we will expect authorities to begin a plan immediately in the new system.
- For plans at an advanced stage of preparation (Regulation 19), it means allowing them to continue to examination unless there is a significant gap between the plan and the new local housing need figure, in which case we propose to ask authorities to rework their plans to take account of the higher figure.
- Areas at an earlier stage of plan development, should prepare plans against the revised version of the National Planning Policy Framework and progress as quickly as possible.

I understand that will delay the adoption of some plans, but I want to balance keeping plans flowing to adoption with making sure they plan for sufficient housing. I also know that going back and increasing housing numbers will create additional work, which is why we will provide financial support to those authorities asked to do this. The Government is committed to taking action to ensure authorities have up-to-date local plans in place, supporting local democratic engagement with how, not if, necessary development should happen. On that basis, and while I hope the need will not arise, I will not hesitate to use my powers of intervention should it be necessary to drive progress – including taking over an authority’s plan making directly. The consultation we have published today sets out corresponding proposals to amend the local plan intervention criteria.

We will also empower Inspectors to be able to take the tough decisions they need to at examination, by being clear that they should not be devoting significant time and energy during an examination to ‘fix’ a deficient plan – in turn allowing Inspectors to focus on those plans that are capable of being found sound and can be adopted quickly.

Housing targets

Underpinning plan making – at the strategic and local level – must be suitably ambitious housing targets. That is why we have confirmed today that we intend to restore the standard method as the required approach for assessing housing needs and planning for homes, and reverse the wider changes made to the NPPF in December 2023 that were detrimental to housing supply.

But simply going back to the previous position is not enough, because it failed to deliver enough homes. So, we are also consulting on a new standard method to ensure local plans are ambitious enough to support the Government's commitment to build 1.5 million new homes over the next five years. The new method sees a distribution that will drive growth in every corner of the country. This includes a stretching yet credible target for London, with what was previously unmet need in the capital effectively reallocated to see homes built in areas where they will be delivered. The new method increases targets across all other regions relative to the existing one, and significantly boosts expectations across our city regions – with targets in Mayoral Combined Authority areas on average growing by more than 30%.

I want to be clear that local authorities will be expected to make every effort to allocate land in line with their housing need as per the standard method, noting it is possible to justify a lower housing requirement than the figure the method sets on the basis of local constraints on land and delivery, such as flood risk. Any such justification will need to be evidenced and explained through consultation and examination, and local authorities that cannot meet their development needs will have to demonstrate how they have worked with other nearby authorities to share that unmet need.

Green Belt and Grey Belt

If targets tell us what needs to be built, the next step is to make sure we are building in the right places. The first port of call is rightly brownfield land, and we have proposed some changes today to support such development.

But brownfield land can only be part of the answer, which is why we are consulting on changes that would see councils required to review boundaries and release Green Belt land where necessary to meet unmet housing or commercial need.

I want to be clear that this Government is committed to protecting nature. That is why land safeguarded for environmental reasons will maintain its existing protections. But we know that large parts of the Green Belt have little ecological value and are inaccessible to the public, and that the development that happens under the existing framework can be haphazard – too often lacking the affordable homes and wider infrastructure that communities need. Meanwhile, low quality parts of the Green Belt, which we have termed 'grey belt' and

which make little contribution to Green Belt purposes, like disused car parks and industrial estates, remain undeveloped.

We will therefore ask authorities to prioritise sustainable development on previously developed land and other low quality ‘grey belt’ sites, before looking to other sustainable locations for meeting this need. We want decisions on where to release land to remain locally led, as we believe that local authorities are in the best position to judge what land within current Green Belt boundaries will be most suitable for development. But we also want to ensure enough land is identified in the planning system to meet housing and commercial need, and so we have proposed a clear route to bringing forward schemes on ‘grey belt’ land outside the plan process where delivery falls short of need. (Emphasis as per Secretary of State’s letter).

- 2.65 Surrey Heath’s emerging Local Plan is currently at Regulation 19 Stage and therefore as referenced in the Secretary of State’s letter, the extent of difference in housing targets envisaged from that in the emerging NPPF is relevant. The indicative annual requirements for Surrey Heath are for at least 658dpa, which is 337dpa above the capped figure associated with LHN. Paragraph 226 of the draft NPPF indicates that where the difference exceeds 200 dwellings (as applies in this case), it will be examined under the approach outlined in the emerging guidance once confirmed.
- 2.66 As the new NPPF is anticipated before the Council submits its Plan, the document will be examined under the new guidance and given the significant proposed under-delivery, would be found unsound. It is therefore essential that a revised plan is prepared which would fulfil the objectives of the Government as outlined in the draft NPPF. Inspector’s examining Local Plans will also take account of the wider expectations of the Government to increase delivery, as confirmed in the revisions to the latest Procedure Guide³¹.
- 2.67 The Secretary of State’s letter accompanying the draft NPPF emphasises the changed position with respect to the importance of undertaking Green Belt reviews, resulting in the exclusion of poorly performing areas. This is a significant

³¹ 9th edition - <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

change in the approach of the Government, which contrasts with that referenced in the second bullet of paragraph 5.2.52 of the Sustainability Appraisal. This is therefore an illustration of the inconsistency of the evidence base with the approach of the Government.

2.68 Whilst the above references the implications of the draft NPPF for Surrey Heath, the document also provides illustrative housing requirements for other authorities, including Hart District – upon which Surrey Heath currently rely upon to contribute towards addressing their needs sees its housing requirements for Local Housing Need increase from 297dpa to 734dpa. This compares to a requirement (excluding the contribution towards Surrey Heath’s needs) in their current Local Plan 2014-32 for 382 dwellings each year. The increase in the indicative new requirement for Hart district, must be assessed once the existing Hart Plan (adopted 30th April 2020) reaches the fifth anniversary of its adoption. This again assumes that the revised NPPF is issued before this date.

2.69 Whilst there is currently a Statement of Common Ground committing a contribution of 41 dwellings annually until 2032 from Hart district towards Surrey Heath’s needs, this could cease after 30th April 2025, given the very significant increase in housing that the former needs to provide. The higher needs are compounded since the draft NPPF seeks to delete paragraph 76 of the current document which enables past over delivery to be taken into account. Hart District currently relies upon their delivery performance during the early years of their plan to reduce the residual requirements. This is therefore a further reason why the emerging Surrey Heath Local Plan must seek to provide for additional housing.

Spatial Strategy.

2.70 Alongside the Borough’s development requirements, Policy SS1 also outlines the spatial strategy for the Borough. The acknowledgement of the suitability of existing settlements in the borough, including Windlesham is endorsed.

2.71 Through the spatial strategy, revisions to the Borough’s Green Belt (including inseting of Chobham village) are envisaged. As detailed in the section with respect of the failure to include our clients land south of Broadley Green, Windlesham within the defined inset boundary alongside its removal from the Green Belt is an

illustration that the current draft plan is inconsistent with the clear objectives set by the Government of boosting the supply of housing (NPPF paragraph 60). As outlined in the section of this statement with respect of the omission of our client's site as a housing allocation is unjustified when the Council has discounted its own evidence of the limited contribution the site fulfils towards Green Belt purposes, which is further reduced once the implications of implementing the scheme which the Council has resolved to approve on the site³² are considered.

- 2.72 As outlined in section 6, the draft NPPF reverses the approach of the current NPPF (as referenced in paragraph 5.2.52 of the Sustainability Appraisal) which discounts the potential of land in the Green Belt to meet housing needs. Instead, the draft NPPF is fully supportive of removing poor quality Green Belt from this designation (suggested paragraph 144).
- 2.73 As outlined in the response to this policy, the approach of the Council is inconsistent with the clear objectives of the Government in providing for a plan which both contributes towards significantly boosting the supply of housing alongside delivering an effective strategy for at least 15 years after adoption. Therefore, as explained in section 6 of this statement, exceptional circumstances can be demonstrated for the removal of further land from the Green Belt including our client's site at Windlesham, consistent with the advice in the NPPF and the clarification provided in Court judgements.
- 2.74 Given the acknowledged sustainability of Windlesham within the Borough's settlement hierarchy, it is suitable location for additional growth, including on our client's land.
- 2.75 The Plan as currently drafted does not include details of a settlement hierarchy, although in paragraph 3.108 it refers to urban and rural settlements. Windlesham is listed as one of the latter, albeit recognising that this paragraph relates to clarify where proposed Policy H9 (Rural Exception Sites) would apply.

³² Application 22/0935 for erection of 20 affordable dwellings with a resolution to grant (see appendix 14).

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- 2.76 The submitted Bracknell Forest Local Plan failed to include a settlement hierarchy, which as identified by the Inspectors was a key flaw in the soundness of the document (paragraph 37)³³. The failure to provide a settlement hierarchy meant that that plan did not provide an effective framework for guiding decision making on the ground. The same applies to Surrey Heath.
- 2.77 The revisions to the draft policy taking account of the Modifications obligated by the Inspector examining Bracknell Forest's Local Plan. This is relevant given that they directly adjoin Surrey Heath, and like that are subject to the constraints associated with the Thames Basin Heaths Special Protection Area (SPA).

Suggested Changes to Make Draft Policy SS1 Sound

- 2.78 Draft Policy SS1 as drafted is not sound for the following reasons:
- a) It is not **positively prepared** as it does not seek to address the borough's housing needs, therefore further sites should be allocated;
 - b) It is not **positively prepared** as it fails to boost the supply of housing by seeking to address the uncapped housing need derived through local housing need;
 - c) It is not **justified** with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;
 - d) It is not **justified** with respect of the expectation of delivery from the sources of supply;
 - e) It is not effective or justified since it does not provide a framework for decision making with respect to the relevant roles of different parts of the borough;
 - f) It is also **inconsistent with national policy** in the failure to boost housing supply and provide for the minimum 15 years post adoption.
- 2.79 Furthermore, the plan is not legally compliant since the Sustainability Appraisal has not considered higher growth levels of growth which addresses at least the uncapped housing need and the emerging higher Standard Method housing requirements. This statement details how the approach of the Plan does not deliver even the constrained housing target which is a further failure, given this was also not assessed in the Sustainability Appraisal.

³³ Copy included as appendix 3

2.80 The specific changes to criteria 1 and 2 of Policy SS1 are (deletions shown struck through and additions in bold) highlighted below, although these are based upon the current NPPF rather than the draft NPPF. Should the Local Plan not be submitted until after the end of the (current draft) transition period specified in the new NPPF, further amendments are essential, especially with respect to achieving the mandatory housing target with associated further revisions.

2.81 Even on the basis of the suggested revisions to policy SS1 below (to accord with the current NPPF), there are likely to be a need for consequential revisions to the other criteria to reflect the overall changes advocated to this and other policies of the plan:

1) To deliver sustainable growth, the Council will permit development which is consistent with the following broad spatial framework for the scale and location of development:

Development will be focused on main town of Camberley, which is the most sustainable settlement in the Borough, making the maximum use of land in and around the town centre.

At the urban settlements of Frimley and Frimley Green, whilst the scale of provision is less than Camberley, these settlements offer access to employment, retail, education, health, public transport and other community services.

The rural settlements of Bagshot, Bisley, Chobham, Deepcut, Lightwater, Mychett, West End and Windlesham fulfil important roles in providing for the everyday needs of local residents and supporting other villages, hamlets and isolated development in the more rural areas beyond settlement boundaries. The scale of development is less that in the urban settlements.

~~a) New development will be directed to the defined settlement areas in the west of the Borough, as shown on the policies map, and comprising the following areas:~~

~~Camberley~~

~~Frimley~~

~~Frimley Green~~

~~Mytchett~~

~~Deepcut, and~~

~~Bagshot village.~~

~~b) Within this area, Camberley Town Centre will be a focus for significant new development, at high density, to support the regeneration of the town centre~~

~~The east of the Borough is heavily constrained by environmental designations and Green Belt and will have limited capacity to~~

accommodate new development. Development opportunities in this area will be focused in:
Lightwater village;
Bisley, Chobham, West End and Windlesham villages, which are inset within the Green Belt.

New Homes

2) Over the period ~~2023 2019~~ – ~~2042 2038~~, the Council will ensure that, ~~subject to the availability of deliverable avoidance and mitigation measures in respect of the Thames Basin Heath Special Protection Area,~~ provision is made for the delivery of at least **6,555** *[note this excludes any contribution from Hart district]* ~~5,578~~ new homes in the Borough. This housing requirement will be delivered from completions, existing planning permissions, allocations and SLAA sites as follows: *[note: it will be for the Council to update the other sections based upon revisions to the evidence on deliverability and developability of sites]*

- a) ~~Approximately 4,848 (net) new homes focused in the settlement areas in the West of the Borough, including:~~
 - i. ~~In Camberley, approximately 2,178 (net) new homes, including approximately 1,548 net new homes in Camberley Town Centre, focused on two large site allocation at London Road Block (approximately 524 net new homes) and Land East of Knoll Road (approximately 340 net new homes),~~
 - ii. ~~A major site allocation at Mindenhurst in Deepcut (Princess Royal Barracks site) of about 1,200 homes and Suitable Alternative Natural Greenspace,~~
 - iii. ~~In Frimley, approximately 454 (net) new homes,~~
 - iv. ~~In Frimley Green, approximately 245 (net) new homes,~~
 - v. ~~In Mytchett, approximately 286 (net) new homes, and~~
 - vi. ~~In Bagshot Village, approximately 430 (net) new homes.~~
- b) ~~Approximately 727 homes in the east of the Borough.~~
- c) ~~Other sources of supply to meet the housing requirement will include windfalls.~~

3. POLICY HA1: SITE ALLOCATIONS

Introduction

- 3.1 Policy HA1 details the sites allocated. Within the response to policy SS1, we outline concerns regarding the inclusion of several sites and whether the approach of the Council is adequately justified having regard to the evidence base.
- 3.2 This includes whether their identification is supported by evidence including acceptability of the assumptions concerning redevelopment of previously developed sites in the Green Belt³⁴. It is noted that the Draft NPPF at paragraphs 144 and 151 provides greater scope for redevelopment of previously developed land in the Green Belt, especially where it accords with the definition of “grey belt”.
- 3.3 As indicated in the response to Policy SS1, we do not dispute the identification of the sites listed in policy HA1, although as detailed earlier, we have questioned whether they can be developed at the timeframe expected.
- 3.4 However, as our clients land south of Broadley Green, Windlesham is excluded from the list of sites allocated, this is the main focus of our objection.
- 3.5 The full reasons why our clients land should be included as an allocation in the policy is detailed in section 6 of this statement.

Suggested Changes to Make Policy HA1 Sound

- 3.6 The Plan therefore as currently prepared is not sound for the following reason:
- 1) It is not **positively prepared** as it fails to include our clients land south of Broadley Green, Windlesham as an allocation;
 - 2) It is not **justified** as the plan’s allocations are not supported by a proportionate evidence base.

³⁴ See those listed in Table 2.

- 3.7 To address this matter of soundness, our clients land (consistent with the other representations submitted) should be included as an allocation in policy HA1. This is a consequential revision to reflect the other changes sought.

4. POLICY H9: RURAL EXCEPTION SITES

Introduction

- 4.1 Through policy H9, the Council outlines its approach to rural exception sites, especially the requirement that any proposal must be small. As indicated in the analysis with respect to the soundness of the Council's approach to delivering its housing requirement, there is a reliance on the provision of an average of 4.5 dwellings annually through rural exception schemes³⁵. The response to policy H9 challenges the inclusion of a rural exception site allowance on the basis of the evidence of past performance alongside the whether the Council has sufficient evidence of need as envisaged by this policy.
- 4.2 The Council in support of their allowance from rural affordable exception sites references reference seven sites which have been promoted and could contribute towards this source of supply. These sites are listed in Table 5 of the SLAA (Appendix 1). Although the response to policy SS1 highlighted a need to review the evidence of need for the homes envisaged, to the scale of proposals as detailed in Table 5 are potential in excess of that appropriate within the context of the draft policy. This is because the smallest of the sites are expected to accommodate 11 affordable homes with the largest with capacity for 35 dwellings.
- 4.3 To ensure the approach of the policy does not impinge upon the provision of affordable homes, especially of the nature of the schemes detailed in table 5 of the SLAA (appendix 1), amendments to the policy are necessary.

Suggested Changes to Make Policy H9 Sound

- 4.4 The Plan therefore as currently prepared is not sound for the following reason:
- 1) It is not **effective** as it will prevent delivery of the types of sites referenced by the Council in appendix 1 of the SLAA (at Table 5);
 - 2) It is not **justified** as the approach of the policy will impact upon the provision of rural affordable schemes.

³⁵ As reference in paragraph 4.24 of the SLAA (Appendix 1).

- 4.5 That “small scale” is deleted from the start of the first criteria of the policy.
- 4.6 Additionally, as a consequential amendment to the revision advocated to policy SS1, that the last sentence of paragraph 3.108 is amended to replace “within the Borough, incorporating:” with “as listed in policy SS1”. The bullet list of places with follow paragraph 3.108 can also be omitted as this is covered by the amendment to policy SS1 advocated.

5. POLICY GBC1: DEVELOPMENT OF NEW BUILDINGS IN THE GREEN BELT

Introduction

- 5.1 Consistent with our comments upon Draft Policies SS1 and HA1, the Council has made assumptions regarding the expected capacity and potential of previously developed land in the borough to accommodate dwellings. Whilst this potential is accepted, it is noted that there is no analysis which demonstrates that the scale form and bulk of the Councils expectations can be accommodated, especially having regard to the guidance of this policy.
- 5.2 Alongside the limitations on the wider achievement of the Council’s housing targets imposed by this policy, it is not that the criteria are more onerous than that specified in the NPPF (paragraph 154). This is illustrated by:
- a) the requirement in criterion 4 for assessing the impact of replacement buildings on the openness of the Green Belt. This is not however a factor for consideration as detailed in related criterion for such proposals as specified at 154 (d); and
 - b) the requirement in criterion 6 when assessing schemes for redevelopment of previously developed land to again have regard to the impact upon the openness of the Green Belt. Although this broadly accords with the first bullet in criterion g, it discounts the greater flexibility in the second bullet where a proposal contributes towards meeting an identified housing need.
- 5.3 Although it is recognised that the draft NPPF could change before a final version is released following the consultation process, this also provides greater flexibility with respect to development in the Green Belt, especially where it relates to a “grey belt” site.

Suggested Changes to Make Policy GBC1 Sound

- 5.4 The Plan therefore as currently prepared is not sound for the following reason:

- 1) It is not **effective** as it will prevent delivery of the types of sites referenced by the Council as part of their housing land supply (see analysis in response to policy SS1);
 - 2) It is not **justified** as the approach of the policy will impact upon appropriate forms of development in the Green Belt; and
 - 3) It is not **consistent with national policy** as the criteria are more onerous than that in NPPF paragraph 154.
- 5.5 That the policy is amended to ensure it is consistent with national policy. This includes removal to the need to consider impacts upon the openness of the Green Belt since this is covered by the guidance in the NPPF, which applies a nuanced approach depending upon the type of scheme.

6. OMISSION SITE: LAND SOUTH OF BROADLEY GREEN, WINDLESHAM

Introduction

- 6.1 Through the other representations submitted to the policies of the plan, there is a need to allocate additional land for housing development. Having regard to the representations and the earlier promotion of the land south of Broadley Green, Windlesham for residential development, it is clear that this is a suitable location for allocation. These reasons for this are detailed below.

Consideration of whether justification of the Exceptional Circumstances required by the NPPF (paragraphs 144–149) to revise the Borough’s Green Belt boundaries exists.

- 6.2 The Council in advancing revisions to its Green Belt (including at Chobham) is under a duty (imposed by Section 39(2) of the Planning & Compulsory Purchase Act 2004) to exercise the function associated with the preparation of local development document with objective of contributing to the achievement of sustainable development. This is a positive obligation (Jay J *Calverton* (Appendix 10 paragraph 10)).
- 6.3 Planning policy makes provision for changes to be made to the Green Belt. Changes to the Green Belt are permitted through a review of a local plan (NPPF (2023), paragraph 146). To make a change to the Green Belt boundary in the local plan there have to be "exceptional circumstances". Development needs that take up land such as housing and employment can be an exceptional circumstance to justify a review of a Green Belt boundary. This principle has been acknowledged in Hunston, in the Court of Appeal (Appendix 11) where Sir David Keene observed at [21]:

"In principle, a shortage of housing land when compared to the needs of an area is capable of amounting to very special circumstances."

6.4 In the *Calverton* case (Appendix 10) Jay J also reinforced these points finding at paragraph 44:

"The framework does not seek to define further what "other considerations" might outweigh the damage to the Green Belt, but in principle there seems no reason why in certain circumstances a shortfall in housing land supply might not do so."

6.5 In the *Calverton* case (Appendix 10) Jay J also reinforced these points finding at paragraph 44:

"The issue is whether, in the existence of planning judgement and in the overall context of the positive statutory duty to achieve sustainable development, exceptional circumstances existed to justify the release of Green Belt."

6.6 In the *Hundal* case (Appendix 12) paragraph 50 confirmed that the failure to meet needs since a Green Belt boundary had been defined could also amount to exceptional circumstances:

"The overriding policy of PPG2 is that the Green Belt boundaries should remain fixed once they have been validly determined. It is only if a relevant circumstance occurs that requires a change in the future for planning purposes that the circumstance will be an exceptional circumstance. An obvious example would be if, in the present case, the First Defendant had determined that it could not meet the projected housing requirements for its area up to 2031 without using Green Belt land. In that case, for the purposes of the Core Strategy, the exceptional circumstance may have been made out (assuming no other practical alternatives). At that point, a subsidiary question may arise as to which land that was currently within the Green Belt should now be freed for development. In making that latter decision, I accept that the fact that land had recently and erroneously been included within the Green Belt when the local plan was developed might be a relevant consideration in deciding where the boundary had changed but it would be highly unlikely to be the only or the dominant factor".

- 6.7 The Council advocates revisions to the Green Belt including the inseting of the village of Chobham³⁶, as there are insufficient opportunities to deliver the necessary growth without resorting to the Borough's Green Belt³⁷. Accordingly, exceptional circumstances do exist. However, whilst housing/employment development needs can, as a matter of planning judgement, as well as the desire to promote, plan and achieve sustainable patterns of development, amount to exceptional circumstances through the development plan review process this must be demonstrated by clear evidence of a need and that there are no other more sustainable solutions towards its addressing (see paragraph 147 of NPPF). Such an approach would be consistent with Section 39(2) and national policy (NPPF paragraphs 144 and 145).
- 6.8 As outlined within this statement development on land south of Broadley Green, Windlesham contributes towards sustainable development and exceptional circumstances can be demonstrated, especially having regard to the significant housing need in the Borough together with the unjustified reliance upon Hart District to resolve any shortfall.
- 6.9 The revised NPPF draft confirms (paragraph 142) that housing need on its own can provide the necessary exceptional circumstances for revisions to Green Belt boundaries.
- 6.10 The *Calverton* case (Appendix 10) helpfully sets out the matters to examine in establishing exceptional circumstances in the context of national policy and the positive obligation in section 39(2) to plan for sustainable development. The judgement at paragraph 51 states:

“In a case such as the present, it seems to me that, having undertaken the first-stage of the Hunston approach (sc. assessing objectively assessed need), the planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters: (i) the acuteness/intensity of the objectively assessed need (matters

³⁶ Reflects NPPF paragraph 149.

³⁷ The proposed inseting of the village of Chobham from the Green Belt enables the allocation of Chobham Rugby Club (Policy HA1/06) for 91 dwellings

of degree may be important); (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development; (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt; (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and (v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent”.

6.11 Each of these 5 matters are interrelated and applying to Surrey Heath Borough the following points arise:

- (i) the acuteness/intensity of the objectively assessed needs (matters of degree may be important);**
- (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development;**

6.12 Matters (i) and (ii) are confirmed as the Council has demonstrated that its Local Housing Need cannot be resolved without relying upon the Green Belt³⁸. Whilst this is on the basis of the Council’s provisional housing requirement in the Plan, as explained in the response to policy SS1, the authority’s requirement is inconsistent with the obligations in the NPPF.

6.13 However, matter (ii) also needs to have regard to whether the release of land will achieve sustainable development through consideration of the approach outlined in paragraph 147 of the NPPF.

(iii) (On the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt.

6.14 The Council’s Draft Local Plan has demonstrated that it cannot address its housing needs without considering locations in the Green Belt. Therefore, there is an identified difficulty to meeting the Borough’s development needs without impinging on the Green Belt. However, any release must contribute towards the achievement of sustainable development as indicated in paragraph 147 of the NPPF.

³⁸ Including the allocation of Chobham Rugby Club for 91 dwellings together with the expected contribution from windfall sites within Green Belt parts of the authority.

(iv) The nature and extent of the harm to this Green Belt (all those parts of it which would be lost if the boundaries were reviewed); and

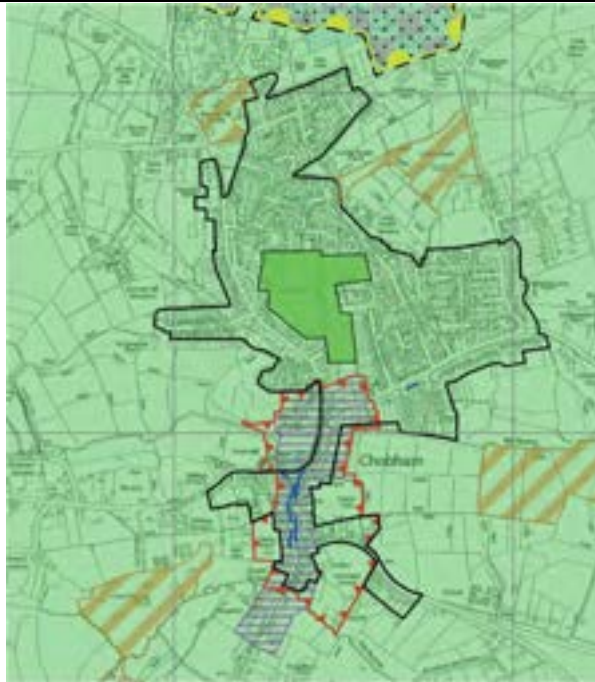
- 6.15 The Council commissioned a Green Belt Review (Jan 2022). This considered whether the land now envisaged for removal from the Green Belt served the relevant purposes.
- 6.16 Whilst the Council's assessment considered each of the purposes for Green Belt (NPPF, paragraph 143), with respect of preventing neighbouring towns from merging, it is considered that relying upon reductions in distances to determine the risk of this (paragraph 3.74 of the Green Belt study) does not recognise the role of other permanent physical features in contributing towards this, ie within the context of Surrey Heath, the M3 motorway. This forms a strong feature across the Borough which contributes to ensuring towns do not merge. This should consequently be included as a factor preventing merging of settlements alongside a straight appraisal of distance.
- 6.17 Taking account of this, the Council's assessment of the risk of settlements merging is therefore unjustified, and consequently for places like Windlesham, there is limited risk of this, irrespective of the distance as illustrated on figure 2 of the Green Belt Assessment. Furthermore, with respect of the land south of Broadley Green, Windlesham, the Council's assessment also discounts the role of the SANG associated with the Heathpark Rise development – an area of informal open space to be retained indefinitely will also ensure the land between Windlesham and the M3 motorway is retained.
- 6.18 Additionally, the Council's Green Belt assessment does not consider the impact that implementation of the extant resolution to grant once permitted on land south of Broadley Green, Windlesham would have upon its purposes. Whilst it is acknowledged that the extant permission was appropriate irrespective of any impacts upon Green Belt purposes (consistent with NPPF paragraph 154(f)), this discounts the limited contribution towards these once built.
- 6.19 Notwithstanding this concerns over the unjustified contribution towards the Green Belt, the Council's appraisal nevertheless concludes that the land south of

Broadley Green, Windlesham (parcels WN11-13) would have a low risk to harming Green Belt purposes. This is consequently indicative that the land should be removed from the Green Belt, especially as its limited role is reflective of that associated with the parcels at Chobham which the authority are advocating should be removed from the designation. This is shown in the comparison of the proposed inset boundary for Chobham with the parcels assessed in the Council's Green Belt review.

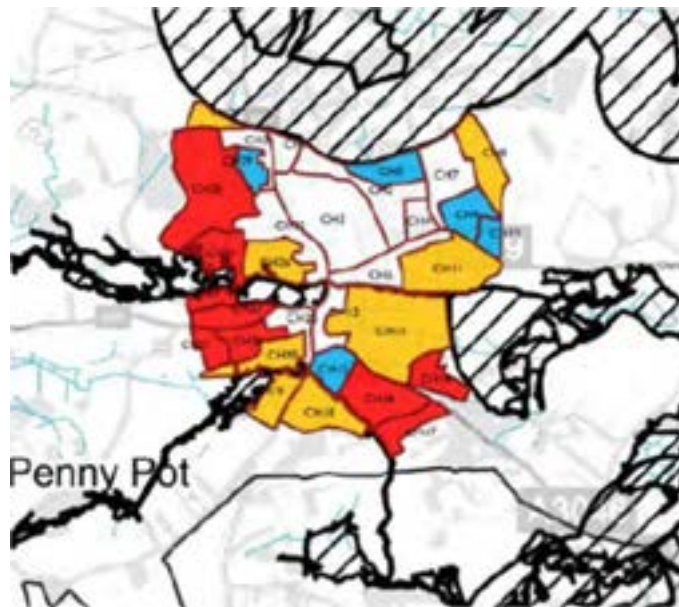


Proposed Chobham inset boundary from Green Belt (map 2 from Proposed Map changes booklet)

- 6.20 It is also noted that the proposed settlement boundary envisaged for inseting from the Green Belt at Chobham extends across a larger area than the current defined expanse of the village. This is illustrated by the inclusion of land west of Minching Lane. This therefore indicates that contribution towards Green Belt purposes has been informed the areas for removal. This as outlined indicates an inconsistency of approach with other areas, such as to the south of Broadley Green, Windlesham.



Existing defined settlement of Chobham washed over by Green Belt



Extract from Council's Green Belt review (Jan 2022)

- 6.21 Comparing the areas envisaged for removal from the Green Belt within the Council's Assessment indicates that elements of parcel CH11, CH15 and CH16 appropriate for removal, notwithstanding the conclusion that these contribute towards Green Belt purposes. Whilst the whole of these parcel is not envisaged for removal, it nevertheless indicates that areas contributing towards the purposes can be.

6.22 As land south of Broadley Green, Windlesham has limited contribution towards Green Belt purposes, given the clear need for housing, this can also be readily removed.

(v) The extent to which the consequent impact on the purposes of the Green Belt maybe ameliorated or reduced to the lowest reasonably practicable extent.

6.23 As indicated above, given the accepted limited contribution of the land south of Broadley Green, Windlesham to the Green Belt purposes, it can be removed. Furthermore, taking account the provision of SANG to the south of the site together with the extant planning permission for residential development, any harm would be significantly reduced from that very limited as appraised by the authority.

6.24 Furthermore, as revisions to the Green Belt around Chobham include the removal of land with greater contribution towards Green Belt purposes, areas elsewhere in the Borough with similar or less contribution towards these purposes i.e. land south of Broadley Green, Windlesham should likewise be removed.

6.25 The current SA indicates that removal of land from the Green Belt was considered as a potential option for growth within the borough i.e. as illustrated on page 133 and the growth scenarios which included site 915 as a reasonable alternative (an integral element of scenario 2).

6.26 Whilst growth scenario 2 has so far been discounted, as indicated in the response to policy SS1, the current draft plan does not fulfil the obligations in the NPPF, both with respect of the development requirements and the plan period. Consequently, further land is need which having regard to the identification of scenario 2 as a means of addressing the Borough's needs, this should be adopted as the approach of the plan.

6.27 Additionally, although growth scenario 2 has so far been discounted, the land south of Broadly Green is acknowledged to have limited contribution towards Green Belt purposes (irrespective of the extant planning permission for residential

development on the site and the SANG to the south). Consequently, given a clear need for housing it should be included as a formal allocation.

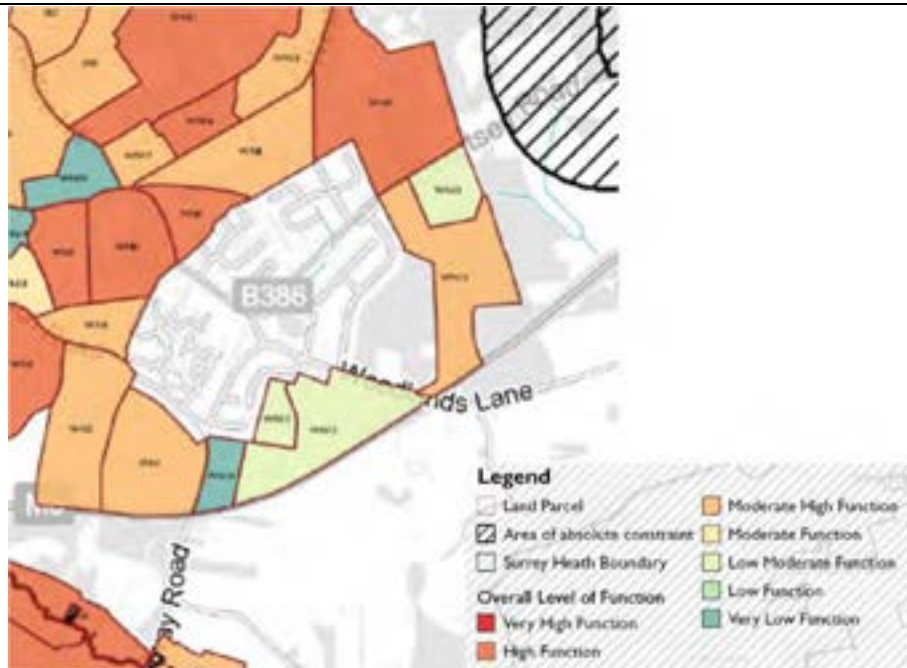
6.28 Although the draft NPPF has yet to be confirmed, paragraph 144 states that:

When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it is necessary to release Green Belt land for development, plans should give first consideration to previously-developed land in sustainable locations, then consider grey belt land in sustainable locations which is not already previously-developed, and only then consider other sustainable Green Belt locations. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

6.29 The draft NPPF defines Grey Belt as:

For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the green belt comprising Previously Developed Land and any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes (as defined in para 140 of this Framework), but excluding those areas or assets of particular importance listed in footnote 7 of this Framework (other than land designated as Green Belt).

6.30 The Council's Green Belt assessment (2022) provides analysis of the contribution of the land south of Broadley Green towards Green Belt purposes. This is with respect to parcels WN12 and WN13 (see extract below).



Extract of figure 8 of the 2022 Green Belt Study – overall function of Green Belt land

6.31 The associated analysis detailed the following with respect to sites WN12 and WN13.

Extract of Annex 1: Overall findings from the 2022 Green Belt Study for parcels WN12 and WN13

REF	NAME	Part 1 Assessment					Part 2 Assessment	
		P1	P2	P3	P4	Overall Rating	Stage A	Stage B
WN12	Land south of Woodlands Lane and north west of the M3	None	Weak	Mod	None	Low Moderate Function	Moderate Risk	Lower Risk
WN13	Land south of Broadley Green	None	Weak	Mod	None	Low Moderate Function	Lower Risk	N/A

6.32 This analysis confirms that should the draft NPPF be confirmed without changes, the land south of Broadley Green promoted by our clients would qualify as “grey belt” given their limited contribution towards the five Green Belt purposes and the lack of any footnote 7 constraints applying to the site. This is therefore a further justification in support of its inclusion as an allocation in the plan.

- 6.33 The technical information submitted with the extant application for residential development on the land south of Broadley Green, Windlesham confirms its appropriateness. This has been accepted by the authority in resolving to grant planning permission. Furthermore, as noted, the authority had previously accepted that it was a deliverable site through its inclusion as an integral element of its housing land supply. It is therefore an appropriate site for allocation in the Local Plan alongside consequential changes to the policy map.
- 6.34 Furthermore, whilst the Sustainability Appraisal (last bullet of paragraph 5.104) references the need to demolish an existing building to achieve access, this has been accepted by the Council in resolving to approach application 22/0935. In accepting the principle of the access arrangements, this could also serve the wider land south of 1-31 Broadley Green, parcel WN13 in the Green Belt assessment.

Suggested Changes to the Local Plan

- 6.35 To ensure that the plan is therefore sound as detailed in the representations, land south of Broadley Green should be included as a residential allocation with consequential amendments to settlement boundaries to Windlesham.

7. SUMMARY AND CONCLUSION

7.1 Our representations to the draft Local Plan have identified a number of objections to the document as drafted in respect of its soundness.

7.2 **The amendments we think are necessary to make the Local Plan sound can be summarised as follows:**

- **The need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.**
- **The Local Plan should cover the period 2023 to 2042 (The same 19 year period as envisaged in the current draft plan, albeit it is moved to commence in 2023 which is four years later than the current draft).**
- **Provision should be made for at least 6,555 dwellings in Surrey Heath Borough (2023 to 2042) (equates to a minimum of 345dpa). On 30 July 2024, a new Written Ministerial Statement was published which expresses the firm intention to raise housing targets and facilitate housing delivery. This is now part of current national planning policy. In addition, the Written Ministerial Statement express a strong policy direction which should be accorded great importance. The Local plan should therefore embrace this evolving Standard Method for a more realistic and up to date housing requirement. Accordingly, the local plan should plan for circa 658 dwellings per annum with resulting additional allocations to meet these identified needs.**
- **The Plan should include a spatial strategy detailing the role of the various settlements of the borough towards delivering the necessary growth. The settlement of Windlesham should be identified as one of the suitable locations for growth, consistent with the existing plan.**
- **Land south of Broadley Green, Windlesham should be allocated as a baseline allocation for approximately 50 dwellings within policy HA1.**

7.3 These matters can be addressed through amendments prior to Councils agreeing a Draft Submission Joint Local Plan for a further set of consultation.

7.4 We trust our representations are of assistance in preparing the next iteration of the Local Plan and await confirmation of receipt of our representations in due course.

- 7.5 We welcome the opportunity to engage with the Council to discuss our soundness concerns as well as the merits of the land south of Broadley Green, Windlesham as a baseline housing allocation for the development of approximately 50 dwellings. The inclusion of our client's site as package of additional housing allocations across the Plan area will contribute towards meeting the housing requirement during a refined plan period to 2042.
- 7.6 With respect to each of the policies objected to, we hereby request attendance at any examination following submission of the Plan to the Secretary of State.
- 7.7 Finally, we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Secretary of State, the publication of the Inspector's Report into the Examination of the Plan together with the adoption of the Local Plan.

Report to Watford Borough Council

by William Fieldhouse BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Date: 20 September 2022

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Watford Local Plan 2018-2036

The Plan was submitted for examination on 6 August 2021

The examination hearings were held between 18 January 2022 and 9 February 2022

File Ref: PINS/Y1945/429/7

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Abbreviations used in this report

The 2004 Act	The Planning & Compulsory Purchase Act 2004 (as amended)
The 2012 Regulations	The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
The Council	Watford Borough Council
NPPF	National Planning Policy Framework (July 2021)
The Plan	The Watford Local Plan 2018-2036
PPG	Planning Practice Guidance
sqm	Square metres

Evidence and Examination Documents

All of **the Council's supporting evidence submitted with the Plan** along with documents that I issued, requested or accepted during the examination were published on the examination website. Each document has its own individual reference number such as SUB1, ENV4, EMP5, etc. Where appropriate, I refer to documents by their reference numbers in this report.

Non-Technical Summary

This report concludes that the Watford Local Plan provides an appropriate basis for the planning of the Borough, provided that a number of main modifications are made to it. Watford Borough Council has specifically requested that I recommend any main modifications necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The main modifications were subject to public consultation over a six week period in June and July 2022. In some cases I have amended the detailed wording of the modification to take account of consultation responses and ensure soundness. I have recommended their inclusion in the Plan after considering the sustainability appraisal and all the representations made in response to consultation on them.

The main modifications can be summarised as follows:

- Amend the plan period from 2018-2036 to 2021-2038.
- Change the minimum housing requirement from 793 homes per year to 784 homes per year (13,328 between 2021 and 2038).
- Clarification that at least 158 homes per year will be required on unallocated sites, in addition to a total of 11,112 on commitments and allocations, if the minimum housing requirement is to be met.
- Changes to policy CDA2.1 and relevant allocation requirements to achieve sustainable development and transformation of the Watford Gateway Strategic Development Area.
- Amendments to policies CDA2.2, VT5.1 and VT5.2 and relevant allocation requirements to achieve sustainable development and promote the vitality and viability of Watford town centre.
- Changes to policy CDA2.3 and relevant allocation requirements to achieve sustainable development and transformation of the Colne Valley Strategic Development Area including through the preparation of a masterplan supplementary planning document for Lower High Street.
- Amendments to policies HO3.5 and HO3.10 to meet the housing needs of the elderly and those with special needs.
- Changes to policy HO3.11 to secure the provision of shared private outdoor amenity space in new apartment blocks.
- Removal of Reach Printing Services Limited from a designated industrial area.
- Amendments to various policies to set out a positive strategy for the conservation and **enjoyment of the Borough's historic environment**.
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Watford Local Plan 2018-2036 in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended) ("**the 2004 Act**"). **It considers first whether the Plan's preparation has complied with the duty to co-operate.** It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework ("**the NPPF**") **makes clear that in order to be sound,** a local plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that Watford **Borough Council ("the Council"), the local planning authority,** has submitted what it considers to be a sound plan. The Final Draft Watford Local Plan 2018-2036 Consultation Version ("**the Plan**"), submitted in August 2021¹, is the basis for my examination. It is the same document as was published in January 2021 for consultation under regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("**the 2012 Regulations**").

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications necessary to rectify matters that make the Plan unsound and/or not legally compliant and thus incapable of being adopted. My report explains why the recommended main modifications are necessary. The main modifications are referenced in bold in this report in the form MM1, MM2 etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed main modifications and carried out sustainability appraisal of them. The main modifications schedule was subject to public consultation for six weeks in June and July 2022. I have taken account of the consultation responses in coming to my conclusions in this report and have made some amendments to the detailed wording of some of the main modifications. None of the amendments significantly alters the content of the modifications as published for

¹ SUB1.

consultation or undermines the participatory processes and sustainability appraisal that has been undertaken.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted plan. In this case, the relevant document is the Final Draft Policies Map A0 Consultation Version that was submitted in August 2021².
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published main modifications **to the Plan's policies require further corresponding** changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
7. These further changes to the policies map were published for consultation alongside the main modifications: Policies Map: Suggested Modifications to Support the Schedule A Proposed Main Modifications (Fourth iteration)³.
8. When the Plan is adopted, in order to comply with the legislation and **give effect to the Plan's policies, the Council will need to update the** adopted policies map to include all the changes proposed in the Final Draft Policies Map A0 Consultation Version and the further changes published alongside the main modifications.

Context

The Borough and its surroundings

9. The Borough is in the south west part of Hertfordshire around 20 miles from central London. The Hertfordshire districts of Three Riv-

² SUB2.

³ ED54A.

ers, St Albans and Hertsmere lie to the west, north east, and east respectively. It is geographically the smallest district in England outside London, and largely built up. However, there are a number of community parks along with other areas of public open space, and the Metropolitan Green Belt covers around 19% of the **Borough's** land area. Over 90% of development in the last ten years or so has been on previously developed land.

10. The Borough has good accessibility by road and rail. There are four railway stations serving the mainline, London Overground and London Underground. The M1 motorway lies a short distance to the east of the town, and the M25 to the north of the Borough. The economy is diverse, with significant employment in professional services, retail, health care, manufacturing, construction and wholesale, although high numbers of residents commute into London. Watford town centre performs a sub-regional role, attracting trips from outside the Borough both to work and to access shops and other facilities. Existing industrial land has been redeveloped for other uses in recent years, and the built up nature of the Borough means that there is very limited land available for new industrial and warehouse development.

The statutory development plan

11. When adopted, the Plan will supersede all of the saved policies in the Watford District Plan 2000 and the Core Strategy 2006-2031. The Plan will then form the statutory development plan for the Borough along with the Hertfordshire Minerals Local Plan, Hertfordshire Waste Local Plan and any neighbourhood plans made in the Borough.

Public Sector Equality Duty

12. The Council carried out an Equalities Impact Analysis to inform the preparation of the Plan⁴.
13. I have had due regard to the three aims expressed in section 149(1) **of the Equality Act 2010 and in particular considered how the Plan's policies and proposals are likely to affect people from groups with "protected characteristics"**⁵. This has involved my consideration of several matters during the examination including those relating to different types of housing need, including for people with disabilities, the elderly, and travellers; achieving sustainable design; improving accessibility and infrastructure for public transport, walking and cycling; and protecting and providing education, health and other

⁴ SUB11.

⁵ *The Equality Act 2010* defines "protected characteristics" as: age; disability; gender reassignment; marriage and civil partnerships; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

community and social infrastructure. My findings in relation to those matters are set out in subsequent sections of this report.

Assessment of the Duty to Cooperate

14. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of **the Plan's** preparation.
15. **The Council's** Duty to Cooperate Statement of Compliance and statements of common ground⁶ set out the cross boundary strategic matters that the Council considered during the preparation of the Plan and how it addressed them through working with other local authorities and relevant prescribed bodies. The strategic matters included housing, employment, transport, education, health, waste, minerals, and waste water infrastructure. The activities undertaken aimed at achieving effective cooperation included joint studies, working groups, ongoing liaison with statutory consultation bodies, and specific duty to cooperate meetings.
16. The policies and proposals in the Plan reflect the outcome of the joint-working on the strategic matters, and none of the prescribed bodies or other relevant organisations have indicated that they are dissatisfied with their liaison with the Council. Thus, whilst there are a number of soundness issues related to some strategic matters that I consider in subsequent parts of this report, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and complied with the duty to cooperate.

Assessment of Other Aspects of Legal Compliance

17. The **Plan has been prepared in accordance with the Council's Local Development Scheme**⁷.
18. The Council published a Statement of Community Involvement in July 2017 and updates in November 2019 and October 2020⁸. The **Council's Regulation 22(1)(C) Statement and Consultation Summary**⁹ set out how it has involved residents and other stakeholders in preparing the Plan, including through three consultation exercises

⁶ ED3 to ED8.

⁷ SUB13.

⁸ SUP2, SUP4 and SUP5.

⁹ SUB12 and SUB14.

relating to issues and options, first draft plan, and final draft plan. I am satisfied that the consultation carried out during preparation of the Plan and on the main modifications was legally compliant.

19. The Council carried out a sustainability appraisal of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under regulation 19¹⁰. The appraisal used a systematic framework and proportionate available data to assess emerging policies and potential allocations, along with reasonable alternatives, throughout the preparation of the Plan. Potential impacts, including cumulative impacts, on defined sustainability objectives and, where necessary, mitigation measures were identified. The findings of the appraisal were used by the Council to inform decisions about the content of the Plan. The appraisal was updated to assess the main modifications and a report was published for consultation¹¹.
20. The **Council's** Habitat Regulations Assessment Screening Reports¹² demonstrate that the Plan would not result in an adverse impact on the integrity of any relevant protected sites (the nearest of which is at least 19.5 km from the Borough) and therefore an appropriate assessment is not necessary.
21. The development plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the Borough. Those priorities are meeting housing needs within the **Borough; retaining the town's pre-**eminent economic role in the sub-region, both in terms of providing employment and main town centre uses; and delivering infrastructure to support high levels of household and employment growth.
22. **The Plan's** overall spatial strategy (policy SS1.1) and various specific requirements, including in policies CC8.1 to CC8.5, NE9.1 to NE9.8 and ST11.1 to ST11.6, ensure that the development plan, as a whole, includes policies designed to secure that the development and use of land in the Borough contribute to the mitigation of, and adaptation to, climate change.
23. Appendix H in the Plan identifies the policies in the Watford District Plan 2000 and the Core Strategy 2006-2031 that will be superseded

¹⁰ SUB3 to SUB9.

¹¹ ED58, ED58/1 and ED58A to ED58F.

¹² SUB10 and ED59.

by policies in the Plan when it is adopted as required by regulation 8(5).

24. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

25. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 15 main issues upon which the soundness of the Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Are the amounts of housing and economic development that the Plan aims to accommodate clearly expressed, justified and consistent with national policy?

Plan period

26. The submitted Plan covers the period 2018 to 2036. However, the start date needs to be modified to 2021 so that it is as up-to-date as possible on adoption and consistent with national policy and guidance relating to the standard method for establishing local housing need. Furthermore, to ensure that strategic policies look ahead over a minimum of 15 years from adoption as required by national policy, the end date needs to be modified to 2038 [MM2 to MM11, MM14, MM38, MM59, MM60, MM77, MM88, MM156, MM248 and MM257]. I deal with the implications of this for various aspects of the Plan, including housing and employment land needs and supply, below.

Household growth and housing requirement

27. Policy HO3.1 and paragraph 3.1 refer to 14,274 homes (793 per year) in the period 2018 to 2036 to meet local housing need as **determined using the government's standard method**. However, the standard method indicates that, when the Plan was submitted for examination in 2021, the annual need figure was 784 homes per year. National guidance expects housing need to be updated until the Plan is submitted. Policy HO3.1, and other parts of the Plan as

appropriate, therefore need to be modified to refer to a minimum housing requirement of 784 net additional homes per year which represents a total of 13,328 in the modified plan period of 2021 to 2038 [MM13, MM56, MM62, MM172 and MM246].

28. Furthermore, to be justified and effective, policy HO3.1 also needs to be modified to delete reference to a buffer of 5% or 714 homes. This is because those figures are ambiguous in terms of their purpose and they do not reflect the latest evidence about housing land supply, an issue I return to later in this report [MM56 and MM62].

Additional industrial, warehouse and office floorspace

29. Proportionate and up-to-date evidence¹³ indicates a need for a total of 188,000 sqm of additional office floorspace and 481,500 sqm of additional industrial and warehouse floorspace in South West Hertfordshire. Of that need, 37,600 sqm of office floorspace and 98,400 sqm of industrial and warehouse floorspace are required in Watford. In order to ensure that the Plan is justified, the reasoned justification to policy EM4.1 needs to be modified to refer to the floorspace requirements in Watford [MM83].
30. The Plan refers to the creation of 11,500 new jobs. However, the basis for that figure, the time period to which it relates, and its relationship with the identified need for additional office, industrial and warehouse floorspace are not clear. Furthermore, specifying a potential number of new jobs does not make clear how a decision maker should react to a development proposal. Policies SS1.1 and EM4.1 and Appendix A therefore need to be modified to delete reference to 11,500 jobs to ensure the Plan is effective and justified [MM13, MM85 and MM245].

Conclusion

31. The modifications I have described above are necessary to ensure that the amounts of housing and economic development that the Plan aims to accommodate are clearly expressed, justified and consistent with national policy.

¹³ South West Hertfordshire Economic Study 2016 and Update 2019 [EMP3 and EMP4] and Employment Topic Paper [ED14].

Issue 2: Is the Plan informed by a proportionate and up-to-date assessment of viability and will the policy requirements not undermine deliverability?

32. **The Council's Local Plan Viability Assessment 2021**¹⁴ provides up-to-date and proportionate evidence about the economic viability of development that is consistent with national policy and guidance. The types of development tested reflect the allocations in the Plan and windfall proposals that are likely to come forward. Reasonable assumptions are made about development values and costs, including those associated with policy requirements in the Plan. Whilst an additional cost for providing electric vehicle charging points in residential developments was not factored in, this would not make a significant difference to the overall findings of the assessment that I describe below¹⁵.
33. The evidence shows that the majority of housing and mixed use allocations are likely to be viable assuming that all relevant policy requirements are met¹⁶. However, despite that, nearly 4,000 of the new homes proposed in the Plan are on allocations that the evidence indicates may not be viable unless fewer affordable homes are provided than required by policy HO3.3. I consider whether that policy is sound later in this report, but in summary I conclude that subject to a main modification it will be effective in securing the maximum amount of affordable housing whilst being flexible enough to avoid preventing schemes coming forward due to poor viability.

Conclusion

34. I therefore conclude that the Plan is informed by a proportionate and up to date assessment of viability and that the policy requirements will not undermine deliverability.

¹⁴ VIA1.

¹⁵ Oral evidence by the Council at the hearing session on 9 February 2022.

¹⁶ 42 out of a total of 55 housing and mixed use allocations [ED38].

Issue 3 – Is the spatial strategy set out in the Plan justified having regard to reasonable alternatives, and is the approach to Green Belt consistent with national policy?

The spatial strategy

35. The identified need for 784 additional homes per year compares with an historic average completion rate of under 380 homes per year. A number of spatial options to accommodate these homes, and economic development, were considered and assessed during the preparation of the Plan. However, the built-up nature of the Borough means that realistic opportunities for accommodating such a scale of development are extremely limited. This is exemplified by the fact that every site that was identified as being available and suitable is allocated in the Plan following a thorough process that involved consideration of all undeveloped land, including Green Belt, as well as opportunities on currently and previously developed land.
36. The spatial strategy is described as transformational in policy SS1.1 and illustrated on the Key Diagram (Figure 1.2). It aims to make efficient use of the limited sites that are available and maximise opportunities to use sustainable forms of transport by focussing 80% of development in the Core Development Area based on and around the town centre. Detailed proposals for the implementation of the strategy in the Watford Gateway, Town Centre, and Colne Valley Strategic Development Areas, that collectively make up the Core Development Area, are set out in policies CDA2.1 to CDA2.3 and the development requirements for allocated sites.
37. All of the allocated sites in the Core Development Area are brownfield, most being in active use comprising buildings of varying quality and/or surface car parks. The strategy requires high density development, including through new buildings that will be significantly taller than existing prevailing heights. Heritage Impact Assessments¹⁷ conclude that development of this nature can be designed such that there would be no, or less than substantial, harm to heritage assets. However, a number of modifications are needed to the policies relating to the three Strategic Development Areas and the development requirements for the relevant allocations so that the

¹⁷ ED32A to ED32K.

Plan is effective in that regard. I identify those modifications in subsequent sections of this report.

38. Outside the Core Development Area, identified development opportunities are more limited although there are 29 housing or mixed use allocations, most being for up to 50 homes. The density of new development is expected to be optimised, but significantly lower than in the Core Development Area.
39. In principle this is a sound spatial strategy for the Borough. However, whether it is effective in enabling the delivery of the amount and type of new homes and other development that is needed, creating well-designed places, protecting heritage assets, and achieving sustainable development in other respects are matters that I consider in subsequent sections of this report, including those relating to the three Strategic Development Areas.
40. Strategic policy SS1.1 provides a high level description of the spatial strategy and sets out some principles that are followed through in more detailed policies throughout the Plan. In most respects, the policy is sound. However, the requirement for all development to take place on brownfield land is not justified or consistent with national policy. Furthermore, it would not be effective in helping to facilitate sufficient development to meet identified needs as it would unnecessarily rule out opportunities that may become available on suitable greenfield sites. That part of the policy should therefore be deleted [MM15].

Green Belt

41. The detailed wording of policy SS1.1 needs to be modified so that it is consistent with national policy relating to inappropriate development in the Green Belt only being approved in very special circumstances [MM15].
42. The Council carried out a systematic two-stage Green Belt assessment during the preparation of the Plan to inform decisions about whether changes needed to be made to help meet development needs or for other reasons¹⁸. Based on that, and other site specific information, the Plan removes a limited amount of land from the Green Belt in five locations.

¹⁸ ENV4 and ENV5.

43. In three of those cases, the physical character of the land has changed significantly due to development that has taken place such that it no longer serves any Green Belt purpose. Furthermore, retaining the designation would not provide an effective policy approach for considering any proposals for further development that may come forward in those locations during the plan period.
44. Land at Tolpits Lane is now an established gypsy and traveller site. An adjoining area will form an extension to that site to ensure that the identified need for an additional two pitches can be met in a suitable location. National policy allows for limited alterations to the Green Belt to meet specific identified needs for traveller accommodation¹⁹.
45. Land to the north of the A41 on the Borough boundary now forms part of a large film studio complex. It no longer serves any Green Belt purpose. To the south of this is a small field that is essentially contained by the A41, Hempstead Road, and the existing urban area. It is available now and suitable for the development of around 90 dwellings and included in the Plan as housing allocation HS06 Russell Lane. Significantly, the site provides a rare opportunity for the development of new family homes with gardens, rather than high density flats. The proposal would be likely to have an overall low to moderate effect on Green Belt purposes. Subject to a modification, the development requirements for the site in chapter 13 would be effective and consistent with national policy with regard to securing compensatory improvements to the environmental quality and accessibility of remaining Green Belt [MM180]. The harm that the development would cause would clearly be outweighed by the significant benefits that the proposal would bring in helping to meet housing needs. That is particularly so in light of my findings later in this report about the difficulties in fully meeting those needs due to land constraints.
46. To the south and south east of housing allocation HS06 Russell Lane is a school, woodland and recreation ground that are enclosed by the existing urban area and that allocation. None of that land would continue to serve a Green Belt purpose once the allocation is developed.

¹⁹ Planning Policy for Traveller Sites (2015) policy E.

47. The revised Green Belt boundaries in all of the locations are based on physical features that are readily recognisable and likely to be permanent.
48. For the above reasons, I am satisfied that there are exceptional circumstances to justify the changes to the Green Belt in five locations that are made in the Plan.
49. All of the other land in the Green Belt serves Green Belt purposes and much of it is also well-used public open space, has significant value for biodiversity, or is separated from the town by the M1 motorway. Other than allocation HS06, no sites that are available and suitable for housing or industrial development have been identified in the Green Belt.

Conclusion

50. Subject to the modifications that I have referred to above and elsewhere in this report, the spatial strategy set out in the Plan is justified having regard to reasonable alternatives, and the approach to Green Belt is consistent with national policy.

Issue 4 – Are the policies relating to, and the allocated sites in, the Watford Gateway Strategic Development Area justified and will they be effective in achieving sustainable development?

51. The Watford Gateway Strategic Development Area covers 31 hectares of land a short distance to the north of the town centre. It comprises Clarendon Road, which is defined as the Primary Office Location in the Borough, along with Watford Junction railway and bus stations, associated areas of car parking, a rail aggregates depot and concrete batching plant, and a variety of industrial and commercial uses.
52. Policy CDA2.1 aims to transform the Area over the plan period to create a mixed-use urban quarter of high quality design and place making with excellent connectivity and a mix of housing, employment and other subsidiary land uses and community orientated facilities. Seven sites are allocated on the basis that they are suitable and are, or will be, available for development. Collectively these are expected to provide around 2,500 homes, a primary school, a hotel, a significant amount of office floorspace, a multi-storey car park, and

new and replacement industrial floorspace. Connectivity within and to the area would be improved including through the provision of two new pedestrian and cycle bridges over the two railway lines that cross the Area.

53. Development of allocation MU05 St Albans Road, in the north west corner of the Area, is now underway following the granting of planning permission for 1,214 dwellings, a primary school, and nearly 2,500 sqm of commercial and office floorspace. Allocations MU08 Station Road and EM01 Cassiobury House also now have planning permission, and a scheme is being progressed for allocation MU09 Watford Police Station on Clarendon Road which is likely to be redeveloped in the next few years.
54. Allocations MU07 Astral House and EM05 Colonial Way/Clive Way, which are to the east of the two railway lines, are expected to remain in industrial use for the much of the plan period. Indeed, both sites are likely to be redeveloped with new industrial units in the short term. Whilst there is a possibility of these sites becoming available for mixed use redevelopment towards the end of the plan period, this would be dependent on various factors, not least the development of allocation MU06 Watford Junction immediately to the west.
55. Allocation MU06 Watford Junction comprises the railway station, a multi-storey car park, extensive surface level car parks, and the rail aggregates depot and concrete batching plant. The aggregates depot and concrete plant is an important facility of at least sub-regional significance which is safeguarded in the Hertfordshire Minerals Local Plan and expected to remain in situ throughout the plan period and beyond. Residential and commercial development nearby would be required to provide suitable mitigation through the agent of change principle in accordance with policy CC8.5 and national policy²⁰.
56. There are currently no specific proposals for developing allocation MU06 but it is supported by the landowners and they, the Council, and other relevant parties are working to deliver a scheme in the medium to longer term. Key will be the provision of a new multi-storey car park as part of a new **"mobility hub"** to the east of the railway lines with road access from the east and a new pedestrian and cycle bridge over the railways. This would allow high density residential and commercial development on the existing surface car

²⁰ NPPF 187.

parks between the railway lines and the development that is now underway on allocation MU05.

57. In light of the above, whilst it is clear that some of the allocations will deliver development in the next few years, the transformation of the whole Area into a mixed-use urban quarter of high quality design with excellent connectivity is likely to continue throughout the plan period and beyond. That said, such a transformation in this part of the Borough centred on the main railway and bus interchange close to the town centre would represent sustainable development and bring many benefits. The strategic policies and specific allocations in the Plan set out, in principle, a positive approach that will help to facilitate that transformation over the coming years and decades.
58. However, to be effective in that regard significant changes are required to policy CDA2.1, the reasoned justification, Appendix C, and the development requirements for the relevant allocations set out in chapter 13 of the Plan. Those modifications relate to various matters including the expected timing and nature of development in different parts of the Area; the protection of heritage assets; the provision of transport and other necessary infrastructure; and the relationship with the aggregates depot and concrete batching plant [MM18 to MM35, MM199 to MM208, MM235, MM236, MM240, MM241, MM250 and MM251]. There is no need to modify policy CDA2.1 to repeat national policy requirements relating to sequential tests and retail impact assessments.
59. Parts of the Area are not designated as allocations in the Plan. However, policy CDA2.1 and other policies provide a positive approach to consider any proposals that may come forward on unallocated sites in the Area, such as Apex House at Bridle Way. It is not, therefore, necessary to modify the Plan to allocate such a site that had not been identified as available and suitable during the preparation of the Plan.

Conclusion

60. The modifications that I have described above are necessary to ensure that the strategy for, and the allocated sites in, the Watford Gateway Strategic Development Area are justified and will be effective in achieving sustainable development.

Issue 5 – Are the policies relating to, and the allocated sites in, the Town Centre Strategic Development Area justified and will they be effective in achieving sustainable development and ensuring the vitality of the town centre?

61. The Town Centre Strategic Development Area covers 52 hectares focused on High Street running from the Town Hall in the north to High Street station in the south. It acts as a sub-regional centre for shopping, leisure, and service sector jobs. It includes two conservation areas and numerous nationally and locally listed buildings. Access to the centre for pedestrians and cyclists from the surrounding parts of the town is hindered by the surrounding ring road and other busy roads.
62. Policy CDA2.2 aims to intensify town centre uses, increase the number of residents, improve the public realm, and provide active frontages to the ring road to reduce vehicle dominance. Eight sites are allocated on the basis that they are suitable and are, or will be, available for development. Collectively these are expected to provide around 500 homes and new or replacement floorspace for a variety of main town centre uses. Most are likely to be developed in the first few years of the plan period, with the most notable exception being MU13 Sainsbury's which is expected to become available in the late 2020s for development of around 220 homes and new commercial floorspace. Given the nature of the area, it is likely that further opportunities for redevelopment will come forward on unallocated sites in the Area during the plan period.
63. Generally, policy CDA2.2 and the development requirements for the relevant allocations in chapter 13, provide a positive and effective approach. However, a number of modifications are required relating to the protection of heritage assets, improvements to transport infrastructure, and the use of supplementary planning documents and other guidance to ensure that development, including on windfall sites, is coordinated and helps to achieve the objectives for the Area [MM36 to MM46, MM182, MM183 and MM209 to MM218]. This will ensure the policy is effective and consistent with national policy.
64. Policies VT5.1 and VT5.2 aim to ensure the vitality and viability of the town centre by setting out a positive and flexible approach towards the full range of main town centre uses and ensuring that such uses

are controlled elsewhere. In most respects these policies are sound, although a number of changes are required to ensure effectiveness and consistency with national policy relating to main town centre uses [MM97 to MM101 and MM256].

Conclusion

65. Subject to the modifications that I have described above, the policies relating to, and the allocated sites in, the Town Centre Strategic Development Area are justified and will be effective in achieving sustainable development and ensuring the vitality of the town centre.

Issue 6 – Are the policies relating to, and the allocated sites in, the Colne Valley Strategic Development Area justified and will they be effective in achieving sustainable development?

66. The Colne Valley Strategic Development Area comprises 83 hectares to the south of the town centre and includes three distinct parts around Lower High Street in the east; the hospital, football ground, and Riverwell in the west; and the River Colne and Thomas Sawyer Way corridor running between them.

67. Policy CDA2.3 aims to transform the Area through co-ordinated change to produce a sustainable and mixed use urban quarter of high quality design and place making, excellent connectivity and a diverse range of uses. A number of sites are allocated for housing or mixed use development which collectively are expected to accommodate around 4,400 new homes in the plan period thereby making a **significant contribution to meeting the Plan's housing requirement**. Much of the land in the Area is not specifically allocated for development, although policy CDA2.3 allows for sites that become available to be developed for residential and other uses subject to the requirements of other relevant policies.

68. Development on allocation MU21 Riverwell in the western part of the Area is underway, and will continue in a number of phases which are expected to deliver nearly 1,400 homes along with a new primary school. However, to ensure effectiveness, a number of modifications are required to policy CDA2.3 and the development requirements set out in chapter 13 relating to MU21 Riverwell. These reflect the latest evidence, including that relating to the proposed redevelopment of

the hospital and provision of a new multi-storey car park, and address a number of other issues relating to transport infrastructure and the protection of heritage assets [MM50, MM54 and MM228 to MM230].

69. A total of around 2,400 of the new homes in the Area would be on a number of allocated sites in the eastern part of the area around Lower High Street, including HS21 Waterfields Retail Park (414 dwellings), MU16 Tesco (1,338 dwellings, a primary school and commercial and community floorspace), and MU18 Colne Valley Retail Park (466 dwellings and commercial and community floorspace).
70. Those allocations, and land and buildings around them, are in active use for mainly large-scale retail and commercial purposes along with extensive areas of surface level parking and access roads. Whilst the owners of the allocations have expressed support for **the Plan's** objectives for the Area and confirmed that the sites will be available, the indications are that they are likely to be brought forward for development at different times, and some not until the late 2020s or early 2030s.
71. As with the strategy for Watford Gateway, the transformation of the Colne Valley into a mixed use urban quarter of high quality design and place making with excellent connectivity and a diverse range of uses would represent sustainable development and bring many benefits. However, policy CDA2.3 does not include a mechanism to effectively plan and co-ordinate the delivery of the transformative change aspired for in the Area, in particular the allocated sites and other land around Lower High Street.
72. The development requirements for the allocations set out in chapter 13 of the Plan include references to supporting the wider objectives for the Area and, in some cases, engaging with the owners of another site. However, it is not clear how this would be effective if different sites (allocations, but also potentially windfalls) around Lower High Street are brought forward at different times, particularly in the absence of a clearer articulation of when and how that area is expected to change, the overall pattern of development in the long term, and the changes to the road network and public realm that would be required to achieve the transformation.

73. The Council carried out initial work in 2021 as a first step in the preparation of a masterplan for the Lower High Street area²¹. In order for policy CDA2.3 to be effective in helping to deliver the transformation of that area over the plan period and beyond, a modification is needed to refer to the Council preparing a Masterplan Supplementary Planning Document for the Lower High Street area. Proposals would be required to have regard to the masterplan and demonstrate how they contribute to the coordinated delivery of development, do not inhibit the delivery of other sites, and do not compromise future development opportunities that could make a positive contribution towards the objectives set out in policy CDA2.3 [MM49, MM51 and MM53]. The weight to be attached to the Masterplan Supplementary Planning Document would depend on its status in accordance with national policy; this does not need to be repeated in the Plan.
74. The Council advised during the examination that the preparation of a masterplan is a priority, and that it is likely to be adopted within two years. Given that the large allocations around Lower High Street, and potentially windfall sites, are expected to come forward in the medium and longer term the masterplan should be in place to effectively coordinate development along with the significant improvements to the built environment, public realm and connectivity for pedestrians, cyclists and public transport that will be required.
75. A number of other changes to policy CDA2.3, the reasoned justification, and the development requirements for the relevant allocations are needed. Those modifications relate to various matters including the protection of heritage assets and improvements to transport infrastructure [MM47, MM48, MM52, MM55, MM185 to MM188, MM190, MM219 to MM221, MM223 to MM225, MM231, MM232 and MM237]. This will ensure those policies are effective and justified.
76. Whilst, for commercial reasons, there may be no intention to redevelop the Tesco building in the foreseeable future, it is not necessary to amend the policies map to exclude that part of the site from allocation MU16. This is because circumstances may change in the medium or longer term and, irrespective of whether the building remains or is redeveloped, it would need to be taken into account in the design and layout of any schemes on other parts of the allocation and in the wider area. Nor does the indicative yield for the site need

²¹ A Vision for the Lower High Street Watford (draft June 2021) [ED49A].

to be modified as it is based on a consistent approach used for all of the allocations in the Plan.

77. There is no identified quantitative need for significant additional retail floorspace in the Borough. In that context, the requirements in policies CDA2.3, MU16 and MU18 for no additional retail floorspace in the Colne Valley (which is outside the town centre) are justified as they will help to ensure the Plan is effective in promoting the vitality and viability of the town centre in line with national policy. There is no need to modify those policies to repeat national policy requirements relating to sequential tests and retail impact assessments.

Conclusion

78. The modifications that I have described above are necessary to ensure that policy CDA2.3 and the allocated sites in the Colne Valley Strategic Development Area are justified and will be effective in achieving sustainable development.

Issue 7 – Does the Plan identify a sufficient supply and mix of sites to ensure that the identified need for additional homes in the Borough can be met?

79. Policy HO3.1 states that provision will be made for 14,988 new homes in the Borough between 2018 and 2036. Figure 3.1 indicates that this is expected to be delivered through 8,748 homes on allocated sites; 4,145 on completions 2018 to 2021 and commitments on 1 April 2021; and 2,095 on windfalls. Appendix B sets out a housing trajectory for the period 2018 to 2036.
80. I have already concluded that the Plan should be modified to set out a minimum housing requirement of 13,328 net additional dwellings for a modified plan period of 2021 to 2038 (784 per year). In order to be justified and effective, the housing supply figures in the Plan need to be updated to reflect the modified plan period and the latest evidence about the amount and timing of development expected on each site. The detailed implications of this are considered below.
81. The requirement for 784 net additional homes per year compares with an historic average completion rate of under 380 homes per year. Achieving this substantial increase in delivery will be

challenging, particularly given the highly built up nature of the Borough. In this context, I turn now to consider the supply assumed in the Plan from allocations, commitments, and windfalls.

Housing and mixed use allocations

82. As previously noted under main issue 3, every site that was identified as being available and suitable during the preparation of the Plan following a thorough site identification process over a number of years is allocated. The submitted Plan assumes that a total of 8,748 dwellings will be provided on the housing and mixed use allocations based on the indicative yields set out in chapter 13.
83. The indicative yield for each allocation is based on the site size and a density assumption that varies depending on its location. The assumed densities range from 220 dwellings per hectare for allocations in the Core Development Area to 55 dwellings per hectare for allocations in the less accessible parts of the Borough. These assumptions are reasonable, having regard to the types of developments brought forward in recent years, and consistent with national policy which aims to make effective use of land. However, paragraphs 3.2 and 13.4 of the Plan need to be modified to justify the indicative yields and ensure that relevant policies can be effectively implemented to optimise densities based on a design-led approach that achieves high quality development and protects heritage assets [MM57 and MM174].
84. The latest evidence shows the total indicative capacity of the allocations to be 8,604 dwellings. This reflects the modification relating to MU07 Astral House in the Watford Junction Strategic Development Area which is no longer assumed to deliver 131 dwellings in the plan period, along with some minor changes to the capacities of a limited number of other sites. To ensure effectiveness, chapter 13, Figure 3.1 and the housing trajectory need to be modified accordingly [MM58, MM172, MM189, MM204 and MM247 to MM249].
85. I have concluded under previous main issues that the allocations in the three Strategic Development Areas are sound subject to a number of main modifications. The indicative yields for those allocations, based on high density development, are justified for the reasons already set out. Based on those yields, the Strategic

Development Areas are collectively expected to accommodate around 80% of the new homes needed.

86. There are 31 housing and mixed use allocations outside the Strategic Development Areas. Many of these are small to medium sized sites, although MU23 Asda and HS27 Croxley View are expected to deliver 422 and 240 dwellings respectively. The indicative yields for all of the allocations are based on density assumptions appropriate to their locations. All are suitably located with a reasonable prospect of being available at the point envisaged, subject to a limited number of modifications to reflect the latest evidence from prospective developers. Modifications are also needed to the development requirements for some of the allocations to ensure that the Plan is effective in achieving sustainable development with regard to various factors including relationship with a waste transfer station (HS01), and potential impacts on heritage assets (HS18 and HS19) and the road network (MU23) [MM179, MM181, MM184, MM184A, MM191 to MM193, MM226, MM227, MM233 and MM234].

Commitments

87. The Plan assumes that 2,507 additional homes will be built on sites with planning permission on 1 April 2021. This assumes that all of those permissions will be fully implemented. However, historically around 15% of dwellings with permission have not been built. If such a lapse rate were applied to the permissions at 1 April 2021 it would reduce the supply from that source by 376 dwellings to 2,131. In order to ensure that the Plan is justified and effective, this needs to be explained in the reasoned justification [MM61].

Windfalls

88. Paragraph 3.3 refers to an historic average windfall rate of 70 homes per year on sites of fewer than 5 units, and states that it is expected that windfalls will contribute 116 homes per year in future. However, the housing trajectory in Appendix B includes a windfall allowance of 139 homes per year from 2021. This ambiguity and inconsistency needs to be rectified by way of modifications which I describe below.
89. Subject to the main modification I have already recommended to policy SS1.1 to remove the restriction on greenfield development, the Plan allows residential development on non-allocated sites in all parts of the Borough subject to compliance with other policies such as

those protecting Green Belt, open space and biodiversity. On that basis, there is no reason that the historic average of 70 dwellings per year on sites of fewer than 5 dwellings will not continue.

90. Furthermore, whilst all available and suitable sites with capacity for 5 or more dwellings that were identified during the preparation of the Plan are allocated, the relatively strong market and high value of residential development mean that further brownfield sites will come forward during the plan period. This is particularly the case in the three Strategic Development Areas where policies CDA2.1 to CDA2.3 (as modified) set out a positive approach to encouraging development not just on specific allocations. As transformation of those Areas takes place, further opportunities for windfall developments will no doubt materialise.
91. Finally, there is compelling evidence that some of the allocations that do not have planning permission are likely to deliver a greater number of dwellings than assumed by the indicative yields. For example, allocation MU05 St Albans Road has planning permission for 1,214 dwellings whereas its indicative capacity, based on its size and the standard assumptions about density, would be around 550 units. Policies in the Plan require densities to be optimised and specify indicative minimum figures for different parts of the Borough. It is unlikely, therefore, that proposals will come forward for lower densities than assumed by the indicative yields.
92. I am, therefore, satisfied that there is compelling evidence that windfalls will provide a reliable source of supply and make a significant contribution to meeting housing needs. In the absence of any reliable data to quantify windfalls on brownfield sites of 5 or more dwellings and additional units on allocations, the submitted Plan includes a total windfall figure of 2,095 dwellings to increase the assumed supply from commitments and allocations to match the minimum requirement set out in policy HO3.1. In the particular circumstances of the Borough which I have described, this is a reasonable approach in principle, and such an assumption is not overly optimistic. I deal below with the detailed modifications that are required with regard to windfalls to ensure consistency with my other findings relating to the plan period, allocations and commitments.

Overall housing land supply for the plan period

93. I have already found that policy HO3.1 needs to be modified to set a minimum housing requirement of 13,328 additional dwellings between 2021 and 2038. Allocations are likely to deliver at least 8,604 dwellings, and commitments up to 2,507 dwellings. This leaves a shortfall of at least 2,217 homes against the minimum requirement for 13,328. The Plan needs to be modified to refer to these figures, and explain that a minimum of 158 dwellings per year will need to be provided on windfall sites from 2024/5 onward if the minimum housing requirement is to be met. This can then be monitored annually by the Council, along with the supply that materialises from allocations and commitments, in order to keep this element of the Plan under review [MM58 and MM59]. These modifications ensure the Plan is effective and justified.
94. National policy requires local plans to identify specific, deliverable sites for years 1-5; and specific, developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15. I deal with the five year supply for years 1-5 (2021 to 2026) below. However, it is clear from the housing trajectory (as modified) that the Plan identifies more than sufficient specific, developable sites (allocations) for years 6-10. Plan policies, as modified, identify most of the Borough as being a broad location for growth, with a particular focus on the Core Development Area. For the reasons set out earlier, it is reasonable to assume that a total of at least 2,217 homes (additional to those assumed on commitments and allocations) will be provided on windfall sites in the period to 2038. It is not possible to identify further specific developable sites for years 11-15.
95. I am, therefore, satisfied that, subject to the modifications that I have described, the Plan identifies a sufficient supply of housing land to meet the minimum housing requirement consistent with national policy.

Five year housing land supply

96. The **Council's latest evidence, as discussed above**, indicates that the number of additional homes that are expected to be completed between 1 April 2021 and 31 March 2026 is as follows:

• Commitments (development commenced)	1,247
• Commitments (full permission, not commenced)	1,260
• Allocations with full planning permission	1,218
• Allocations without planning permission	1,236
• Windfalls (158 x 2)	316
• Total	5,237

97. There is no clear evidence to suggest that the numbers of dwellings in the first three categories are unlikely to be delivered in the timescales expected meaning that they should be considered deliverable in accordance with national policy. For the reasons set out earlier, a windfall allowance of 158 per year is justified, and applying that from 2024 onward avoids any significant double counting with commitments.
98. There is evidence to support the assumptions about completions on the 22 allocations without planning permission that collectively are expected to deliver 1,236 additional homes by 2026. That evidence clearly shows that there is a reasonable prospect of the number of homes assumed being delivered on each of those allocations, with a limited number of exceptions where development may start later than assumed by the Council. However, if that slippage did occur it would be unlikely to reduce the number of completions in the five year period by more than 200-300 dwellings. I am, therefore, satisfied that the Plan identifies a supply of deliverable housing land on 1 April 2021 that was more than sufficient to meet the five year requirement of 4,704 dwellings on that date²².
99. The housing trajectory, which is based on reasonable evidence and assumptions, shows that a five year supply of land is also likely to be available on adoption and in subsequent years.

Conclusion

100. Subject to the main modifications that I have described, the Plan identifies a sufficient supply and mix of sites to ensure that the need for additional homes in the Borough can be met in accordance with national policy.

Issue 8 – Are the policy requirements relating to residential development justified and consistent with national policy, and will the Plan be effective in meeting the housing needs of different groups in the community?

Affordable housing

101. Policy HO3.3 requires all residential development of ten or more homes to provide at least 35% affordable housing. Whilst this is expected to deliver over 4,000 new affordable homes, that would be

²² $784 \times 5 = 3,920 + 20\% = 4,704$.

significantly below the identified need for additional affordable housing. The viability evidence indicates that the 35% requirement can be met on most types of site in the central part of the Borough where around 80% of new homes will be provided. Some developments, particularly in the lower value areas, may not be able to meet the 35% requirement in full. That is reflected in policy IN10.3 relating to development contributions, and policy HO3.3 which sets out a late stage review mechanism aimed at securing the maximum number of affordable homes that can be viably delivered. However, to be effective, policy HO3.3 needs to be modified to clarify the circumstances in which that mechanism will be applied [MM69].

102. Policy HO3.3 expresses the 35% affordable housing requirement in terms of the number of habitable rooms. This provides flexibility and has the potential to increase the supply of affordable homes with three or more bedrooms to address the growing need amongst families with dependent children. However, for effectiveness, a modification is required to the reasoned justification to explain this element of the policy [MM65].
103. The requirement in policy HO3.3 for 60% of affordable homes to be for social rent reflects the identified need for that tenure of affordable housing whilst ensuring consistency with national policy relating to affordable home ownership²³. However, a main modification is required to the reasoned justification to clarify the approach [MM66]. Whilst the Plan was prepared prior to the introduction of national policy relating to First Homes, the tenure split in policy HO3.3 would allow such products to be brought forward along with other forms of affordable home ownership as appropriate.
104. Subject to the main modifications I have described, the Plan should be effective in securing the maximum amount of affordable housing to help meet identified needs in a way that is consistent with national policy whilst maintaining the viability of development.

Dwelling size

105. Around one third of households in the Borough have one or more dependent children and that proportion is expected to increase over the plan period²⁴. National policy expects the needs of families with children to be reflected in local plans, and the Plan should seek to achieve balanced communities in all parts of the Borough. There is

²³ NPPF 65.

²⁴ Council response to PQ21.

no overriding reason why, with good design, high density developments in and around the town centre cannot be suitable for families. The requirement in policy HO3.2 for at least 20% of new homes to have at least 3 bedrooms is, therefore, justified. However, to ensure effectiveness, the policy needs to be modified to clarify that it applies to sites of 5 or more dwellings [MM64]. Excluding development in the Strategic Development Areas from the requirement is not necessary and would significantly reduce the number of new family-sized homes.

106. Policy HO3.10 requires all new homes to meet or exceed the nationally described space standards. This carries forward a requirement previously set out in a supplementary planning document²⁵ that has been implemented successfully for a number of years. Given the **Plan's reliance on high density development, much** of which is expected to be in the form of apartment blocks with less outside space than detached and semi-detached houses, it is particularly important for the minimum internal space standards to be achieved to ensure satisfactory living conditions.

Private and shared outdoor amenity space, and publicly accessible open space

107. Policy HO3.11 requires the provision of private outdoor amenity space for all dwellings, ranging from a minimum of 5 sqm for one bedroom apartments to 25-40 sqm for four bedroom houses. The detailed wording and structure of this part of the policy need to be modified to ensure clarity and therefore effectiveness [MM81].
108. The last part of policy HO3.11 supports the provision of communal outdoor amenity space, including roof and terrace space. Such spaces provide important opportunities for socialising and recreation, **including children's play, that private balconies do not**. As the vast majority of residential development is expected to be in the form of apartment blocks, it is important that the Plan is effective in securing private shared outdoor amenity space that is high quality and accessible to all residents. To ensure this, policy HO3.11 and the reasoned justification need to be modified to set out a clear requirement in this regard [MM80 and MM81].

109. Policy NE9.7 requires development to contribute to the provision, enhancement and maintenance of publicly accessible open space. In

²⁵ Residential Design Guide 2016 [LDD10].

areas where there is an identified deficiency, provision is required on site. Most allocations are not in areas where there is a deficiency. A modification is required to clarify that the policy relates to major residential development and to refer to planning obligations [MM150]. A modification is also required to the reasoned justification to clarify the different types of open space that may be required as identified in the Watford Green Spaces Strategy [MM149]. These modifications ensure that the policy is effective and justified.

Build to rent

110. Policy HO3.4 is supportive of build to rent homes provided that a number of criteria are met. In most respects the approach is consistent with national policy and associated guidance²⁶, although a number of changes need to be made to the policy and reasoned justification to ensure this is so. Those changes relate to the provision of affordable housing, including through discounted rents that are at least 20% below market rents having regard to the latest relevant evidence, and the use of site specific viability assessments in particular circumstances [MM70 to MM72]. The references to break clauses and covenants in the reasoned justification are not policy requirements and do not need to be modified to ensure soundness.

Custom and self build housing

111. Policy HO3.7 requires 10% of homes on sites of 50 or more dwellings (excluding affordable homes) to be provided as self-build plots. If the plots are not taken up within 12 months, they would be returned to the developer.

112. To be effective and justified, the policy needs to be modified to clarify that the requirement relates only to non-flatted developments. As the vast majority of new homes are expected to be in apartment blocks, the requirement will only apply to a limited number of developments meaning that the total number of self build plots that would be made available would not be disproportionate to the potential level of demand. However, to be effective, the policy needs to refer to plots being offered on the open market as well as to people on the self-build register, and specify that the 12 month period applies from the commencement of development [MM76]. The

²⁶ www.gov.uk/guidance/build-to-rent

reasoned justification needs to be modified accordingly [MM68, MM74 and MM75].

Housing for the elderly and those with special needs

113. The evidence indicates that there will be a large rise in the number of households that include people with health issues including impaired mobility and dementia. The Council received over 300 applications to adapt existing homes in the last year or so. It is likely that there will be a significant increase over the plan period in the number of households that would benefit from having accessible and adaptable homes that meet the building regulation standard M4(2). The cost of meeting that standard was included in the viability assessment. The requirement in policy HO3.10 for all new homes to be designed and built to comply with the M4(2) standard unless they are built to comply with M4(3) (wheelchair user) is, therefore, justified by evidence relating to need and viability.
114. Policy HO3.10 requires developments of 10 or more homes to provide at least 10% to M4(3) standard. However, the evidence indicates a need for around 500 additional wheelchair user homes. This represents around 4% of the housing requirement. Policy HO3.10 needs to be modified accordingly so that it is justified by proportionate evidence [MM78].
115. The last part of policy HO3.10 requires 2% of homes on developments of 50 or dwellings to be designed to support someone living with dementia. In order to be effective and justified, the policy and reasoned justification need to refer to the design principles set out in Figure 3.3 and to clarify that wheelchair user homes can contribute to the requirement if appropriately designed [MM79].
116. Policy HO3.5 relates to specialist housing and care homes, and includes requirements relating to the protection of existing facilities and the provision of new facilities. Various changes need to be made to the policy and reasoned justification to ensure the policy is sound in all four respects.
117. Firstly, clarification is needed of the types of development that it applies to, consistent with national policy²⁷, including age-restricted market housing, retirement living or sheltered housing, housing with

²⁷ PPG ID: 63-010-20190626.

care or extra care, residential care homes, and nursing homes. Secondly, it needs to clarify the criteria relating to proposals that would result in the loss of existing residential accommodation that provides specialist care and supported living. Thirdly, it needs to set out a positive approach towards development proposals that provide specialist housing and delete reference to all such development being within 400 metres of district or local centres and public transport. Finally, the requirement for the provision of affordable housing needs to be clarified so that it only applies to specialist care and supported living accommodation that fall within use class C3 (and not residential institutions such as care homes and nursing homes) [MM67, MM73 and MM255].

Gypsy and traveller accommodation

118. Paragraph 3.35 in the Plan refers to a need for two additional pitches for gypsies and travellers up to 2036. This is based on an up-to-date and proportionate assessment²⁸. Paragraph 3.37 refers to a site being allocated adjacent to the existing site at Tolpits Lane to meet this need.

119. However, that allocation is not included in the lists of sites in Chapter 13 under policy SA13.1, nor is it defined on the policies map. Modifications are therefore required to refer explicitly to the allocation [MM173, MM177 and MM194], and the policies map needs to be amended accordingly. Subject to this, the Plan will be effective in ensuring that the identified need for additional gypsy and traveller accommodation can be met. The evidence shows there is no identified need for accommodation for travelling showpeople in the Borough.

Conclusion

120. Subject to the main modifications that I have described, the various policy requirements relating to residential development are justified and consistent with national policy, and the Plan will be effective in meeting the housing needs of different groups in the community.

²⁸ Gypsy and Traveller Accommodation Assessment 2019 (ORS) [HOU5].

Issue 9 – Are the policies relating to industrial, warehouse and office developments justified and will they be effective in achieving sustainable development?

121. I have already found that there is an identified need for a total of 37,600 sqm of additional office floorspace and 98,400 sqm of additional industrial and warehouse floorspace in Watford. However, the evidence clearly shows that, whilst there are opportunities for a significant amount of additional office floorspace in and close to the town centre, the amount of land in the Borough suitable and available for industrial and warehouse development is extremely limited²⁹. The Plan aims to build on its sub-regional role in office provision, whilst protecting existing industrial areas and supporting the limited opportunities to provide new industrial and warehouse floorspace.

Designated industrial areas

122. The five main existing industrial areas in the Borough are indicated on Figure 4.1 and designated on the policies map. Policy EM4.2 aims to prevent the net loss of industrial floorspace in those areas unless there is up-to-date evidence to demonstrate that the site is no longer required for industrial use, or the property has been vacant for at least 12 months and there is clear marketing evidence that it cannot be reused or redeveloped for industrial uses in the medium term. In order to ensure the policy is effective in that regard, the detailed wording needs to be modified [MM91]. Subject to that, the approach to protecting existing industrial areas is justified with one exception.

123. Reach Printing Services Limited occupies a site alongside the A41 in the northern part of the Borough. It is physically separate from, and has no direct access to, other industrial and warehouse uses due to the presence of a large supermarket and associated car parks to the south and railway line to the east. Policy EM4.4, relating to existing employment uses outside designated industrial areas, provides an appropriate policy for considering any proposals that may come forward to redevelop the site in the plan period. Its inclusion as part of a designated industrial area subject to policy EM4.2 is not,

²⁹ EMP1 to EMP5.

therefore, justified and the policies map should be amended accordingly.

Additional industrial and warehouse floorspace

124. Table 4.1 summarises the amount of additional industrial floorspace that the Plan proposes be provided between 2018 and 2036 on sites with planning permission and three allocations. To be justified and effective, the figures need to be modified to reflect the modified plan period and the latest evidence about the availability and capacity of sites [MM88 and MM89].

125. The modified total of 25,206 sqm of additional industrial and warehouse floorspace on commitments (12,407 sqm) and allocations (12,799 sqm) between 2021 and 2038 is significantly less than required in the Borough (97,400 sqm), but there are no further available and suitable sites. To ensure the Plan is justified, modifications are required to refer to the amount of floorspace proposed, acknowledge that this is insufficient to meet identified needs in the Borough, and state that the Council will continue to work with neighbouring authorities in South West Hertfordshire to address the shortfall. Reference to the latter point in policy EM4.1 needs to be deleted as it is not relevant to development proposals in the Borough [MM84 to MM86].

Office development and allocations

126. Table 4.2 summarises the amount of additional office floorspace that the Plan proposes between 2018 and 2036 on sites with planning permission and allocations. To be justified and effective, the figures need to be modified to reflect the modified plan period and the latest evidence about the availability and capacity of sites [MM90]. The modified total of 85,488 sqm of additional office floorspace on commitments (66,060 sqm) and allocations (19,428 sqm) between 2021 and 2038 is significantly more than required in the Borough (37,600 sqm). This reflects the availability of suitable sites, the sub-regional role that the town performs, and recent evidence of strong demand for high quality office floorspace.

127. Most of the additional office floorspace is proposed at Clarendon Road which is close to the town centre and Watford Junction railway station, and defined in policy EM4.3 as the Primary Office Location in the Borough reflecting its existing role. This is justified by the

availability of suitable sites in a highly accessible location that is attractive to the local and sub-regional market. However, the requirement in policy EM4.3 for impact assessments for office developments outside the Clarendon Road Primary Office Location, including in the town centre, is not justified or consistent with national policy. To address this, the office development hierarchy defined in the Plan needs to be modified to give the town centre equal status to Clarendon Road, and the requirement for impact assessments for offices should be deleted [MM92, MM93 and MM96].

128. In order to be effective, the detailed wording of policy EM4.3 needs to be modified to prevent the net loss of office floorspace at Clarendon Road unless the proposal would safeguard the commercial role and character of the Primary Office Location and meet a number of other defined criteria [MM94 and MM95].

Conclusion

129. Subject to the main modifications that I have described, the policies relating to industrial, warehouse and office developments are justified and will be effective in achieving sustainable development.

Issue 10 – Will the Plan be effective in encouraging the use of sustainable modes of transport, ensuring safe and suitable access to development for all users, and mitigating the impacts of development on the transport network?

130. Managing transport in the Borough is a key challenge, not least because of the high levels of greenhouse gas emissions from the sector, poor health associated with air pollution, and the social and economic impacts of congested roads. The spatial strategy concentrates the majority of future development in the most accessible parts of the town³⁰ in order to minimise the need to travel and maximise opportunities to walk, cycle and use public transport. Chapter 11 in the Plan includes a number of policies and proposals aimed at **creating a “sustainable travel town”** and ensuring that development mitigates the impacts on the transport network. In most respects those policies and proposals are sound, although a

³⁰ As illustrated in Figure 1.1 in the Plan.

number of modifications are required to the detailed wording. I describe these below.

Development and improvements to transport infrastructure

131. Policy ST11.1 expects all development to contribute towards sustainable and active travel behaviour and sets out a number of specific requirements for contributions towards improving public transport and traffic demand management. To ensure effectiveness and consistency with other parts of the Plan, modifications are required to the policy and reasoned justification to refer to links to High Street Station and include an additional requirement for developments to enhance pedestrian and cycling facilities at key junctions with the ring road around the town centre [MM158 and MM159].
132. Policy ST11.2 seeks to protect various existing and potential routes for public transport, walking and cycling, and sets out measures to protect and improve Watford Junction as a multi-modal transport hub. Modifications are required to the policy and reasoned justification to ensure that appropriate weight is given to protecting the relevant routes, proportionate to their status, when considering development proposals, and to ensure consistency with other parts of the Plan including policies relating to the Watford Gateway Strategic Development Area [MM157, MM160 and MM161]. Modifications are also required to the reasoned justification, Figure 11.3, and development considerations for allocation EM02 Wiggshall Industrial Estate to ensure that it is effective in facilitating access to the safeguarded disused Croxley rail line [MM163 to MM165 and MM237]. Changes are required to the policies map to ensure that the routes are accurately and appropriately defined. This will ensure the Plan is justified and effective.
133. Policy ST11.3 requires major developments to observe a number of defined principles and to support specific infrastructure schemes listed in Appendix C (where locationally relevant). For effectiveness, a modification is required to ensure consistency with other parts of the Plan and to make clear that relevant routes and areas are defined on the policies map [MM162 and MM166].

Cycle and car parking

134. Policy ST11.4 requires all development to provide secure on-site cycle parking facilities in line with the standards set out in Appendix D of the Plan. Modifications are required to the policy, and the cycle standards for larger dwellings, to ensure that they are justified and effective [MM167, MM168 and MM252].
135. Policy ST11.5 sets out requirements for car parking provision including maximum standards for different types of development in the Core Development Area and other parts of the Borough (Appendix E); the provision of spaces for disabled persons, car club use, and powered two wheelers; and the installation of active and passive charging infrastructure for electric vehicles. A modification is required to the car parking standards for industrial and warehouse developments in Appendix E to ensure that they are justified and effective [MM253 and MM254].
136. **The Council's viability assessment did not include** an additional cost for meeting the requirement in policy ST11.5 to provide 20% of parking spaces with active charging infrastructure and for all other spaces to have passive provision. However, an additional cost of £3,600 per dwelling would not make a significant difference to the findings of the viability assessment³¹. Furthermore, incorporating such infrastructure into development at the outset will be cost effective and is necessary to encourage the shift to more sustainable forms of transport.

Strategic road network

137. **The Council's transport evidence shows that, subject to the Plan's** policies and mitigation measures, the development proposed will not have significant impacts (in terms of capacity, congestion and safety) on the strategic road network, including the M1 motorway. The County Council and National Highways are satisfied in that regard.

Conclusion

138. Subject to the main modifications that I have described, the Plan will be effective in encouraging the use of sustainable modes of transport, ensuring safe and suitable access to development for all

³¹ Council oral evidence to the hearing session on 9 February 2022.

users, and mitigating the impacts of development on the transport network.

Issue 11 – Will policies IN10.1 to IN10.3 be effective in helping to ensure the timely provision of new or improved infrastructure needed to support development proposed in the Plan?

139. Policy IN10.1 seeks to achieve an integrated approach to the delivery of development and infrastructure. A modification is required to give appropriate weight to the Watford Infrastructure Delivery Plan and achieve consistency with other parts of the Plan [MM152]. This will ensure the policy is justified and effective.
140. Policy IN10.2 requires developments to ensure there is, or will be, sufficient infrastructure capacity to meet the additional needs generated. Modifications are required to refer to the use of planning conditions and clarify the requirements for non-householder developments including relating to the provision of high speed internet facilities [MM153 and MM154]. This will ensure the policy is justified and effective.
141. Policy IN10.3 seeks to balance the priorities for infrastructure delivery with those for affordable housing, other non-infrastructure related planning obligations and sustainability standards. A modification is required to ensure consistency with national policy relating to planning obligations and to clarify the requirement relating to off-site highway works thereby ensuring effectiveness [MM155]

Conclusion

142. Subject to the main modifications described above, policies IN10.1 to IN10.3 will be effective in helping to ensure the timely provision of new or improved infrastructure needed to support development proposed in the Plan in ways that are justified and consistent with national policy.

Issue 12 – Will policies QD6.1 to QD6.5 be effective, when applied with other relevant policies in the Plan, in helping to create high quality, beautiful and sustainable buildings and places?

143. Policy QD6.1 sets out different approaches to the design of development in the Core Development Area, Established Areas, and Protected Areas. These reflect the different characters of those areas, and the type and amount of development proposed in them. To ensure effectiveness, a modification is required to clarify that the three areas are defined on the policies map [MM105].
144. Policy QD6.2 requires all development to demonstrate how it responds to a number of design principles relating to character and identity, built form, active and passive frontages, movement and connectivity, and views. Modifications are required to refer to the **Council's Skyline Supplementary Planning Document** and to include an additional principle relating to sustainability [MM106 to MM108]. This will ensure consistency with national policy and effectiveness.
145. Policy QD6.4 sets out detailed design requirements for new buildings. Modifications are required to clarify those relating to primary access for ground floor units and internal cores, and to include an additional requirement for buildings to promote the use of stairs and provide secure cycle parking in easily accessible locations [MM109 to MM111]. These changes are necessary to ensure effectiveness given the number of new homes that will be provided in apartment blocks.
146. Policy QD6.5 sets out additional design requirements for buildings that exceed the base building heights defined in Figure 6.3. Those base heights range from four storeys outside the Core Development Area to ten storeys in parts of the Watford Gateway Strategic Development Area. The approach is justified by the Watford Tall Buildings Study³² and is, in most respects, sound. However, to ensure effectiveness and consistency with national policy, modifications are required relating to design quality and the types of significant public benefits that such development is expected to deliver, and to include reference to the Skyline Supplementary Planning Document [MM112 to MM117].

³² HER19 [2021]

Conclusion

147. Subject to the main modifications I have referred to above, policies QD6.1 to QD6.5 will be effective, when applied with other relevant policies in the Plan, in helping to create high quality, beautiful and sustainable buildings and places.

Issue 13 – Does the Plan set out a positive strategy for the conservation and enjoyment of the historic environment, and are policies HE7.1 to HE7.4 consistent with national policy?

148. I have already recommended modifications to the development requirements and considerations set out in chapter 13 of the Plan for various allocations, and to policies CDA2.1 to CDA2.3, to ensure that the development proposed in the Plan takes appropriate account of the historic environment. Policies HE7.1 to HE7.4 set out various requirements for development in relation to particular types of heritage assets. A number of modifications are required to ensure consistency with national policy, effectiveness, and that the policies are adequately justified.

149. Policy HE7.1 seeks to ensure that development embraces opportunities to use the historic environment to support good design and enhance the setting and understanding of the historic environment and improve **Watford's historic character**. Modifications are required to the reasoned justification [MM118 and MM119].

150. Policy HE7.2 sets out detailed requirements for development that would affect designated heritage assets or their settings, including conservation areas, listed buildings, scheduled monuments, and registered parks and gardens. A modification is required to the first paragraph to ensure consistency with national policy relating to the weight to be given to conservation and the need for clear and convincing justification for any harm to, or loss of, significance [MM121].

151. A modification is required to policy HE7.3 and the reasoned justification to clarify that the policy applies to all non-designated heritage assets including those identified during the preparation of a neighbourhood plan, conservation area appraisal, or the assessment of a **planning application, not only those that are on "Watford's local**

list". The modification also needs to refer to monuments, sites, places and landscapes with heritage value [MM120 and MM122]. This will ensure the policy is effective in relation to all types of non designated heritage asset.

152. Policy HE7.4 requires all development to protect remains of archaeological importance, and sets out a number of requirements aimed at achieving this. A modification is required to the reasoned justification [MM123].

Conclusion

153. Subject to the modifications I have described above and elsewhere in this report, the Plan sets out a positive strategy for the conservation and enjoyment of the historic environment, and policies HE7.1 to HE7.4 are consistent with national policy.

Issue 14 – Will policies NE9.1 to NE9.8 be effective in protecting and enhancing the **Borough's natural** environment and ensuring access to a network of high quality open spaces and opportunities for sport and physical activity?

154. Strategic policy NE9.1 requires development to have a positive **impact on Watford's natural environment** and sets out factors to be considered to demonstrate that this will be achieved. Various changes are required to the detailed wording to ensure effectiveness and consistency with national policy [MM139].

155. Policy NE9.2 requires development proposals to demonstrate how they will appropriately conserve, restore, expand or enhance the green infrastructure network. A modification is required to clarify that green infrastructure is defined on the policies map, and to amend the requirements relating to the protection and replacement of trees, woodlands and hedgerows [MM140 and MM141]. This will ensure effectiveness and consistency with national policy.

156. Modifications are required to the detailed wording of policies NE9.3, NE9.4 and NE9.5 to ensure that they are effective and consistent with national policy relating to protecting the water environment and reducing flood risk [MM142 to MM147].

157. Policy NE9.6 states that open space and ancillary facilities will be protected, unless an up to date assessment demonstrates they are surplus. A modification is required to clarify that the open space and ancillary facilities to be protected are defined on the policies map, and to refer to adverse impacts on the community and environment being taken into account in the needs assessment [MM148]. To ensure the policy is justified and can be effectively implemented, changes are required to the open space and green infrastructure designations on the policies map relating to land at Blackwell Drive; Kytes Drive; Alban Wood school; and Callowland allotments.

158. I have considered policy NE9.7, relating to the provision of public open space in residential development, under main issue 8.

159. A modification is required to policy NE9.8 to ensure consistency with national policy and to clarify the approach to achieving an overall net gain in biodiversity including through additional requirements relating to long term monitoring and maintenance plans, and ecological surveys and assessment reports [MM151]. The approach to biodiversity net gain provides an interim policy, consistent with national policy, until the relevant parts of the Environment Act 2021 come into effect.

Conclusion

160. The modifications I have referred to above will ensure that policies NE9.1 to NE9.8 are effective in protecting and enhancing the **Borough's natural environment and ensuring access to a network of** high quality open spaces and opportunities for sport and physical activity.

Issue 15 – Are policies HC12.1 to HC12.3 justified and consistent with national policy, and will they be effective in helping to achieve healthy, inclusive and safe places and access to community facilities and services?

161. Policy HC12.1 encourages development to contribute towards an inclusive and healthier community through delivering a number of objectives relating to physical activity, healthy eating, pollution, poverty, and community facilities. For effectiveness, a modification is required to the third paragraph to clarify the requirement to promote

active design having regard to relevant guidance including from Sport England [MM169].

162. Policy H12.2 requires health impact assessments to be submitted in support of planning applications for developments of 100 or more homes; major transport improvements; and other locally or nationally significant infrastructure projects. For effectiveness, a modification is required to the reasoned justification so that it reflects up to date guidance about health impact assessments, including from Hertfordshire County Council [MM170].
163. Policy HC12.3 supports the provision of new, extended or improved cultural and community uses in accessible locations and seeks to prevent the loss of existing community and cultural venues unless it can be demonstrated that they are no longer needed or they can be re-provided of a higher quality in an equally accessible location. A modification is required to refer to the marketing requirements in Appendix F and to delete reference to proposals for new facilities being refused in isolated locations [MM171]. This will ensure the policy is effective and justified.
164. Modifications are required to the development requirements in Table 13.4 relating to playing field provision on allocation ED01 Former Meriden School [MM243 and MM244]. A change is also proposed to the policies map to reduce the site area of allocation ED01. The modification and change to the policies will ensure the policy is effective and justified.

Conclusion

165. Subject to the modifications I have described, policies HC12.1 to HC12.3 are justified and consistent with national policy, and they will be effective in helping to achieve healthy, inclusive and safe places and access to community facilities and services.

Other soundness matters

166. In addition to the main issues that I have considered above, there are a number of other soundness matters that I need to address through main modifications.

Types and amounts of development proposed in Plan policies and on allocated sites

167. Policy SA13.1 states that the sites listed in Tables 13.1 to 13.4 as shown on the policies map are allocated for residential, mixed use development, employment uses, education use and any other uses specified, and that planning permission will be granted if the stated requirements are met. Tables 13.1 to 13.4 set out for each allocation: site size; timescale; indicative yield (numbers of dwellings and/or non-residential floorspace); and development requirements and considerations. To be effective, policy SA13.1 needs to be modified to clarify how the information in Tables 13.1 to 13.4 is to be taken into account in development proposals [MM175 and MM177].
168. To ensure effectiveness, modifications are required to Tables 13.1 to 13.4 and the thematic chapters to clarify the uses proposed in certain policies and on allocated sites with reference to the Use Classes Order [MM195 to MM198, MM238 and MM239]. A modification is also required to the reasoned justification for policy SA13.1 to clarify the process for determining, and the purpose of specifying, the indicative yields for each allocation [MM174].

Documents referred to in Plan policies

169. Legislation and national guidance³³ set out information requirements for planning applications. National policy states that local planning authorities should publish a list of their local information requirements, that these should be kept to a minimum and be reviewed at least every two years. The requirements for **"sustainability statements", "air quality assessments" and "BREEAM pre-assessments" in policies CC8.1, CC8.2, CC8.3, CC8.4 and IN9.5** are not consistent with national policy or justified and should therefore be deleted [MM126, MM130, MM133 and MM146].
170. Various policies in the Plan refer to supplementary planning documents and other local guidance. Modifications are required to ensure that these are given appropriate weight in decision making [MM39, MM42, MM49, MM107, MM155 and MM177].

Sites and areas referred to in Plan policies

³³ PPG ID:14.

171. To ensure effectiveness and consistency with national policy, modifications are required to various policies to clarify that they relate to specific sites or areas in the Borough as defined on the policies map [MM35, MM46, MM55, MM87, MM97, MM104, MM105, MM173 and MM176].
172. Changes are required to the titles of various maps in the Plan and the reasoned justification to ensure that their purpose and relationship with policies and the policies map is clear [MM17, MM18, MM20, MM36, MM37, MM47, MM48, MM56, MM82, MM97, MM102, MM104, MM118, MM138 and MM162]. Figure 8.1 "energy opportunity areas" and associated reasoned justification need to be deleted to avoid ambiguity with national policy³⁴ and because it does not provide reasoned justification for the Plan [MM124 and MM125].

Other issues

173. The requirement in policy VT5.3 for hot food takeaways in district and local centres to be located more than 400 metres walking distance from the entrance of an existing or permitted primary school is not justified. Nor is it effective as it could encourage such uses to locate outside designated town centres. It should therefore be deleted [MM103].
174. Policy CC8.3 needs to be modified to ensure that it is justified and consistent with national policy relating to energy efficiency and transition to a low carbon future [MM131].
175. Policies CC8.4 and CC8.5 need to be modified to ensure that they are effective and consistent with national policy relating to air quality, pollution and contamination, including through reference to the agent of change principle [MM134 to MM137].

Overall Conclusion and Recommendation

176. The Plan has a number of deficiencies in respect of soundness for the reasons set out above. This means that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act.

³⁴ NPPF 155(b), 158(b) and footnote 54.

177. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant, and therefore capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the appendix the Watford Local Plan 2018 to 2036 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

William Fieldhouse

Inspector

This report is accompanied by an appendix containing the
main modifications

Report to Maidstone Borough Council

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Date: 8 March 2024

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Maidstone Local Plan Review

The Plan was submitted for examination on 31 March 2022

The examination hearings were held between 6-8 September 2022, 8-24 November 2022, 16-25 May 2023 and 5-9 June 2023

File Ref: PINS/U2235/429/10

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Abbreviations used in this report.

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty ¹
BNG	Biodiversity Net Gain
Dpa	Dwellings per annum
DfT	Department for Transport
DtC	Duty to Cooperate
EDA	Economic Development Area
EDNS	Economic Development Needs Study
EIA	Environmental Impact Assessment
GTTSDDP	Gypsy, Traveller and Travelling Showpeople Development Plan Document
GTTSAA	Gypsy, Traveller and Travelling Showpeople Accommodation Assessment
Ha	Hectares
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
ITS	Integrated Transport Strategy
KCC	Kent County Council
KDNL	Kent Downs National Landscape ²
LBL	Lenham Broad Location
MM	Main Modification
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Areas of Conservation
SEA	Strategic Environmental Assessment
SHMA	Strategic Housing Market Assessment
SLAA	Strategic Land Availability Assessment
SOBC	Strategic Outline Business Case
SoCG	Statement of Common Ground
SPA	Special Protection Areas
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
SUDS	Sustainable Urban Drainage Systems
WWTW	Waste Water Treatment Works

¹ See Footnote 2 below.

² On 22 November 2023 Areas of Outstanding Natural Beauty (AONBs) were re-branded as "National Landscapes". The legal designation and policy status of these areas remains unaffected.

Non-Technical Summary

This report concludes that the Maidstone Local Plan Review provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. The Borough Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a six-week period. In some cases I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications (MMs) can be summarised as follows:

- Extend plan period from 1 April 2021 to 31 March 2038 with consequential amendments to both the housing, employment and retail requirements to be planned for.
- Increased detail in the strategic policies for the two garden settlement proposals at Lenham Heathlands and Lidsing, in relation to: (i) the delivery and phasing of infrastructure to support sustainable growth; (ii) how development should address the proximity of the Kent Downs National Landscape (KDNL); and (iii) the specific measures required to ensure potential impacts on protected habitats are appropriately mitigated as required by the Habitats Regulations. A number of other MMs to these policies are also recommended.
- Removal of the proposed safeguarding area for a Leeds-Langley Relief Road and associated strategic policy because it is not justified.
- Additional detail in the strategic policy for the redevelopment of the Invicta Park Barracks site in Maidstone.
- A new strategic policy on housing delivery to reaffirm the minimum housing requirement (19,669 dwellings over plan period) and its delivery through a revised stepped housing trajectory.
- Additional policy content for various site allocations and for larger and more complex sites the insertion of concept framework plans to clarify net developable areas where significant areas of green infrastructure is required by the site policy.
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Maidstone Local Plan Review in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2021 (NPPF) at paragraph 35 makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Maidstone Local Plan Review, submitted at the end of March 2022 is the basis for my examination. It is the same pre-submission document as was published for consultation in October 2021.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound [and /or not legally compliant] and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal (SA) and habitats regulations assessment (HRA) of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA and HRA that has been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the

submission policies map comprises the set of plans identified as Local Plan Review Policies Map as set out in LPRSUB003.

6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies would be effective.
7. These further changes to the policies map were published alongside the MMs as Document ED122 Schedule of Proposed Policies Map Modifications to the Regulation 19 Maidstone Local Plan Review.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the submitted Local Plan Review Policies Map document and the further changes published alongside the MMs.

Context of the Plan

9. The Borough currently benefits from a Local Plan adopted in 2017. This Plan contained Policy LPR1 which anticipated a first review of the plan being adopted by April 2021. The scope of the Plan Review includes the spatial strategy, strategic policies, new site allocations and updated development management policies. Accordingly, those parts of the 2017 Local Plan would be superseded by the adoption of the Plan.
10. The Plan Review has needed to address a significant uplift in housing need from the figure of 883 dwellings per annum (dpa) in the 2017 Local Plan to a local housing need figure of 1,157dpa (an increase of 31%). Accordingly, whilst the 2017 Local Plan provides some of the foundations for the plan review, significant new content has been required.
11. In terms of planning for sustainable development over the plan period, the county town of Maidstone, with its rail connections and position on the M20, represents the only sizeable urban area in what is otherwise a mainly rural Borough. The northern edge of the Borough fringes the Medway Towns conurbation, close to the M2 motorway. Elsewhere larger villages can be found along the A20 and Ashford railway line in the north-east of the Borough or strung along the Tonbridge railway line through the Low Weald in the south of the Borough. A small area at the western edge of the Borough is within the Metropolitan Green Belt.

12. The backbone of the chalk downs and escarpment of Kent Downs National Landscape (KDNL) is a prominent feature across the north of the Borough. This area also contains the North Downs Woodland Special Area of Conservation (SAC). Various watercourses meander through the Borough including the River Medway and its tributaries, forming pleasant valleys through the undulations of the Greensand hills and the Low Weald. Watercourses in the east of the Borough, notably the Great Stour, are within the catchment of the Stodmarsh Ramsar³, Special Protection Area (SPA) and Special Area of Conservation (SAC) site, where nutrient neutrality is an imperative to maintaining habitat integrity.

Public Sector Equality Duty

13. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the accommodation needs for gypsies and travellers, older persons accommodation, accessible and adaptable housing and access to community facilities.
14. The Plan was accompanied on submission by an Equalities Impact Assessment [LPR1.62]. This has considered the impacts of the Plan on those with protected characteristics. The analysis identifies generally positive or neutral effects arising from the Plan's policies and proposals. There are specific policies concerning gypsies and travellers, specialist accommodation for the elderly, safe, inclusive and accessible environments and improved access to employment and community facilities that should directly benefit those with protected characteristics. In this way the disadvantages that they suffer would be minimised and their needs met in so far as they are different to those without a relevant protected characteristic. The MMs have been subject to an Equalities Impact Assessment [ED129] which demonstrates that the proposed changes would not result in any adverse impacts on groups with protected characteristics.

Assessment of Duty to Co-operate (DtC)

15. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
16. Notwithstanding the presence of Green Belt, National Landscapes and notable areas of flood risk, the Plan seeks to meet the development needs of the Borough in full and to align growth and infrastructure. The strategic matters, in accordance with NPPF paragraphs 20-23, have been appropriately identified. This includes the significant levels of housing growth to be accommodated within the housing market area. On this and other strategic matters, during the

³ Ramsar Convention on Wetlands of International Importance (UNESCO, 1971).

four years from inception of the Plan up until its submission, the Council has engaged constructively and on an on-going basis with strategic policy-making authorities and relevant bodies. This is evidenced through various signed statements of common ground (SoCG) on plan submission. The SoCGs are in accordance with the relevant guidance on plan-making set out in the PPG⁴.

17. In relation to the proposed new garden settlement proposals at Lenham Heathlands and Lidsing, both proposals are on the boundary of the Borough. In respect of Ashford Borough, a signed SoCG identifies the appropriate strategic matters. It demonstrates that Ashford Borough Council are appraised of the Lenham Heathlands proposal, that there will be cross-boundary implications (principally transport and water resources in the Stour catchment) and they will work constructively together on cross-boundary infrastructure issues⁵.
18. On submission, a full draft SoCG with neighbouring Medway Council remained unsigned. From everything I have read, including the unsigned SoCG, at officer level there has been appropriate engagement and professional efforts to consider the impacts on Medway through plan making activities (further evidenced in documents ED23 and ED41A-S). Medway Council has maintained in both its Regulation 19 representations and at the examination hearings, that with respect to cross-boundary strategic matters during the preparation of the Plan, the legal DtC had been satisfied by Maidstone Borough Council. The principal matter of contention is the location of the Lidsing proposal relative to the Medway towns conurbation and the extent of potential impacts on environmental assets and infrastructure in Medway. Medway Council's concerns are entirely understandable, but I consider them to be matters of plan soundness rather than a failure of the DtC.
19. Notwithstanding the unsigned SoCG I am satisfied that mechanisms exist to enable on-going joint working. Medway Council has clearly articulated in its evidence on the Plan and to the examination its concerns regarding impacts from Lidsing and what mitigation in Medway would be likely required. I deal with the soundness of the Lidsing proposal in Issues 1 and 2 below, but I am satisfied that in addition to existing forums for ongoing dialogue between the two authorities, the required masterplanning and Supplementary Planning Document (SPD) processes for Lidsing will require the important input of Medway Council to secure genuinely sustainable outcomes⁶. Overall, and notwithstanding the absence of a signed SoCG, I find that the Borough Council, in preparing the Plan, has met the legal DtC in respect of those strategic matters that cross the administrative boundary with Medway.

⁴ PPG paragraphs 61-010-20190315 to 61-013-20190315 (inclusive)

⁵ See Page 139 of the Duty to Cooperate Statement 2022 (LPR5.5)

⁶ Including projects identified in Medway in the Infrastructure Delivery Plan (IDP) that would arise as a consequence of the Lidsing Garden Community proposal.

20. I also note the demonstrable engagement with Kent County Council (KCC), Natural England and National Highways, through the evidenced DtC material. I consider this to be integral in producing a positively prepared and justified strategy in the terms identified at NPPF paragraph 26.
21. There is a concern from some neighbouring authorities regarding Maidstone's gypsy, traveller and travelling showpeople need. There is no claim, however, that plan preparation has failed the DtC on this strategic matter. The Council, has through, strategic policy in the Plan, committed to preparing a separate development plan document on the matter and proposed MMs set out below in this report seek to clarify that Maidstone intends to meet its gypsy, traveller and travelling showpeople accommodation needs in full through that document. This accords with the various SoCGs with neighbouring authorities signed by Maidstone Borough Council confirming it would seek to meet its own needs.
22. Based on everything I have read and heard, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the Dtc has therefore been met.

Assessment of Other Aspects of Legal Compliance

Timetable and Consultation

23. The Plan was prepared and submitted in accordance with the Council's 2021 Local Development Scheme. Given the length of the examination, the Local Development Scheme was updated in 2023. Most revised milestones have been met, although delivery of this report and adoption have slipped slightly to enable further consultation on technical documents produced in the very last stages of the examination.
24. Consultation on the Plan and the MMs was carried out in compliance with the relevant Regulations and the Council's Statement of Community Involvement, including required adjustments during the Covid pandemic. In relation to the proposed garden settlement developments at Heathlands and Lidsing these were identified at an early stage as part of the Regulation 18b consultation in late 2020. Significant comment has been generated on both proposals and on other aspects of the Plan.
25. Whilst much credit should go to community groups, parish councils and local Borough councillors in raising awareness of, and accumulating comments from local residents on the proposed spatial strategy including the garden settlement proposals, there is little to indicate that communities have been impeded from the fair opportunity to make comments on the Plan at the required stages. The submitted Consultation Statement explains how consultation responses at the early Regulation 18b stage informed the published content of the submitted

Plan further consulted on in Autumn 2021. The Council actively considered representations in Autumn 2021 and suggested various possible modifications to the Plan when it was submitted in 2022.

26. The Council has met the minimum consultation requirements for plan-making and has engaged appropriately with statutory consultees.

Sustainability Appraisal, including Strategic Environmental Assessment

27. The Council carried out SA of the Plan, prepared a report of the findings of the appraisal, and published the report along with the plan and other submission documents under Regulation 19 [LPRSUB002a]. The appraisal was updated in September 2023 to assess the main modifications [ED124]. The SA report also addresses the requirements of Strategic Environmental Assessment (SEA) Regulations alongside the key sustainability issues for the Borough. The SA reporting clearly incorporates the requirements of SEA, with Table 1.1 of the report providing a useful overview of where SEA requirements are covered in the report. Chapter 2 of the SA addresses relevant methodological issues in terms of compliance with the SEA requirements and the PPG guidance.
28. The SA of the plan is comprehensive in its coverage. It deploys a recognised approach for systematic and transparent appraisal, drawing on an extensive baseline of evidence presented and referenced in the SA report. SA is not a scientific task intended to formulate a definitive answer. It is a process to appraise those reasonable options that could comprise sustainable development and to advise on potential mitigation where adverse impacts are identified. It is entirely conceivable that some options will perform reasonably closely, even where it involves markedly differently outcomes against the individual SA objectives. SA requires a balanced approach, looking across the various objectives and indicators. Appraising the reasonable options against the individual objectives requires judgements. The SA report contains appropriate detail to explain how the reasonable options have been identified and then appraised and refined. The SA report has applied reasonable judgements and appraisals when assessing the various options.
29. A key issue for the SA is the spatial strategy options and in particular the approach to identifying the proposed garden community options. This includes when and how alternative options were discounted and how reasonable options were appraised. Within this are methodological concerns regarding the distinction between SA and the technical evidence, particularly the two reports on the suitability and deliverability of Garden Communities prepared for the Borough Council in 2020. It is the role of SA to assess reasonable options. As such there is a role for detailed technical work, including the Strategic Land Availability Assessment (SLAA), to do the initial sieving to determine what are the reasonable options to be appraised. It is not necessary for compliance with

SEA requirements for the SA report to examine in detail the initial long list of seven options for garden community scale development.

30. The SA process has considered high level spatial strategy options (including the 'do nothing' of continuing the 2017 Local Plan spatial strategy). The SA report explains how spatial strategy options have been refined including the discounting of an option at Leeds-Langley⁷ following the Council's technical evidence. It has subsequently considered three reasonable options for garden settlements in various spatial strategy permutations (for example a spatial strategy of 1 or 2 garden settlements, and combinations thereof). The SA of the Plan includes detailed findings of its assessment at Appendix C and explains why the Borough Council, as the plan-making authority has chosen the preferred spatial strategy. Overall, I find the SA report is suitably comprehensive in setting out the basis of the spatial strategy options selected for appraisal and the garden community options that have been reviewed.
31. The SA baseline includes comprehensive evidence on the landscape such that the appraisal has been informed by a solid understanding of the Borough's landscape. The detailed commentary within the SA identifies the impacts on the KDNL and does not downplay them. It also identifies that the other reasonable option for a garden settlement is in an area of high landscape sensitivity. The SA report has also been subject of engagement with the SEA bodies as required. There are no concerns or objections from Natural England on either the SA methodology or how the landscape objective has been appraised.
32. Overall, Plan preparation has been accompanied by a thorough but proportionate approach to SA, including a transparent assessment of the reasonable options and an audit trail of how the reasonable options have been refined. All reasonable spatial strategy options in the Borough have issues given the scale of growth and the environmental context. The SA has been updated in light of the proposed MMs and confirms that the Plan, subject to these modifications, would promote a sustainable pattern of development in the terms found at paragraph 11a) of the NPPF.

Habitats Regulations

33. The pre-submission plan was accompanied by a HRA Report (September 2021)⁸. The report appropriately identifies those protected sites that could be potentially affected by the Plan's proposals. This includes the sites within the Borough, and other sites where there are potential pathways for impacts. This includes the Stodmarsh Ramsar, SPA and SAC site near Canterbury within the Stour catchment. Various sites in Medway have also been considered. As required the HRA report takes into account other plans and projects and

⁷ LPR1.4, paragraph 4.22 and paragraphs 4.30-4.36

⁸ Document LPR1.19 & Submission Addendum LPRSUB005a

considers the effects of policies and proposals in the Plan in combination with these. It does so in line with the case law⁹ such that it does not take account of potential mitigation at the initial assessment stage. Accordingly, in relation to matters of water quality, air quality and recreational impact, various policies of the Plan are likely to result in significant effects on the qualifying features of protected sites. Consequently, an Appropriate Assessment (AA) has been undertaken within the HRA.

34. The potential impacts of the Plan's proposals to the North Downs Woodland SAC relate to air quality (nitrogen deposition from traffic) and recreational disturbance (off-road vehicles). The likely significant effects principally, but not exclusively, arise from the proximity of the Lidsing garden settlement proposal. In terms of recreational disturbance, the AA concludes this can be appropriately mitigated through access management to prevent off-road vehicles and to keep walkers to designated paths.
35. In relation to air quality, the issue has been complex and at the time of plan submission AA was not able to positively conclude that there would be no adverse effect on site integrity in the absence of a mitigation strategy. Additional modelling work has been undertaken during the examination to look at traffic flows that are likely to assign to routes through the SAC during the plan period and assumptions on the uptake of electric vehicles. Additional work has also looked at the condition of the habitats in those parts of the SAC likely to be affected by traffic movements. The outcome of the additional work identified that of the three roads passing through the SAC (A229, A249 and Boxley Road), the modelling outputs show that only Boxley Road would experience nitrogen deposition greater than the 1% of the site relevant critical loads within 10 metres of the affected road network.
36. The AA process has considered technical options for mitigation which broadly comprise travel planning and measures to discourage the use of Boxley Road. Further modelling work has revealed that traffic calming and other measures to dissuade the use of Boxley Road would be effective in managing nitrogen deposition to acceptable levels. This would require additional content within the Plan, and I address this elsewhere in the report as part of the consideration of sufficient safeguards in Policies LPRSP14a and LPRSP4b. The AA recognises that the detail of road layouts remains to be determined and agreed but for this Plan an effective mitigation strategy exists to ensure that adverse effects on the integrity of the SAC due to air pollution can be avoided.
37. There is concern that the Plan is defaulting a necessary level of appropriate assessment to the project level rather than at the Plan level, contrary to the precautionary principle. A package of potential measures comprises the strategy at this stage and through MMs this would be clearly embedded in the

⁹ CJEU Case C-323/17 People Over Wind v. Coillte Teoranta

plan. Natural England have raised no concerns with this approach as part of their consideration of the HRA addendum that accompanied the MMs.

38. The other significant HRA issue for this Plan has been the Stodmarsh Ramsar, SAC and SPA site and nutrient neutrality. On submission for examination, the AA conclusion was one of no adverse effect on site integrity subject to mitigation including policy requirements in the Plan in relation to general safeguarding of water quality and that the Heathlands Garden Settlement¹⁰ and other developments (including the Lenham Broad Location (LBL)) are served by appropriately permitted discharges from waste water treatments works (WWTW) and wetlands provision. Further work has been required during the examination to assure Natural England that a conclusion of no adverse effect on site integrity is justified. This has included using Natural England's revised nutrient calculation methodology [ED36] and demonstrating options that wetland provision can be supported without abstraction from the Stour [ED80].
39. As a consequence of this work, an updated SoCG was entered into with Natural England in March 2023 [ED99], advising that nutrient neutrality can be achieved in the Stour in relation to the Heathlands and LBL developments in the Plan, when applying the latest calculation methodology. Various policy safeguards are presented in the Plan at Policies LPRSP14(a), LPRSP4(a) and LPRSP5(b) subject to related MMs which are addressed elsewhere in this report. An HRA addendum was published in September 2023 to reflect the MMs and concludes there would be no adverse effect on the integrity of Stodmarsh¹¹.
40. I appreciate that the evidence presents technical options which are necessarily strategic and may well evolve over time. A significant amount of work has been undertaken for Heathlands to inform the HRA of the Plan. In terms of a new WWTW for Heathlands there is nothing to prevent this being a private facility built to the appropriate standards and subject to the necessary permits for the required quality of discharge. All of this needs to be considered against the areas of farmland that would be taken out of production. Some detail on the location of Wetland provision to filter and manage surface water before discharge into the watercourse has been presented. This would be subject to further assessment as part of the detailed SPD and masterplanning stages. At present sufficient evidence has been presented to demonstrate a deliverable approach.
41. Elsewhere, the HRA has carried out AA in relation to likely significant effects on the Medway Estuary & Marshes Ramsar and SPA, the Thames Estuary & Marshes Ramsar and SPA and Queensdown Warren SAC. The principal issues are in relation to recreational pressure and water quality. Various established mitigatory measures are in place, for example tariff mechanisms for

¹⁰ Drawing on the Heathlands Garden Community Nutrient Neutrality Assessment (Ramboll, September 2021) Document LPR1.93

¹¹ ED123, Addendum HRA, paragraphs 2.15, 2.16, 4.4 and 4.16

funding access management and monitoring within 6km of the Medway Estuary and Marshes site and on-site green infrastructure provision. Overall, the AA concludes that there would be no adverse effects on the integrity of these sites.

42. Overall, a comprehensive HRA process has been undertaken prior to and during the examination. It confirms that a full AA has been undertaken, reflecting that the Plan's proposals would have some negative impact which requires mitigation. This mitigation has been identified in the Plan, including through the MMs. Ultimately, the HRA process has been able to conclude after AA, and the consideration of mitigation, that adverse effects on the integrity of the identified protected sites can be avoided.

Other Aspects of Legal Compliance

43. The Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
44. The Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. This includes policies on sustainable transport (encouraging modal shift) and good design (low energy design, low water usage, renewable or low-carbon energy). The Plan also includes a strategic policy on Climate Change which sets out an over-arching approach to the necessary transition to a low carbon future and to improve resilience to the effects of climate change (including flooding).
45. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

46. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 11 main issues upon which the soundness of this Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan. For the avoidance of doubt, the assessment of soundness in respect of consistency with national policy is the 2021 NPPF and associated PPG.

Issue 1 – Whether the Spatial Strategy would be an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.

The Submitted Plan

47. On submission there was variable clarity on which parts of the 2017 Local Plan would be superseded. To assist decision-makers I recommend **MM108** for effectiveness, which would insert a new appendix to the Plan setting out those policies of the 2017 Local Plan which would not be superseded when the Local Plan Review is adopted. I also recommend **MM1** which would amend the introduction to the Plan to provide clarity on the 2017 Local Plan policies which have not been superseded by this Plan. Additionally, **MM62** would update Table 8.1 of the Plan and would remove those 2017 Local Plan site allocations that had been completed between plan submission and end of March 2023, and therefore not contributing to deliverable supply at the point of plan adoption. I recommend these modifications for effectiveness.
48. The Plan, when adopted, would form part of the wider development plan for the area, alongside KCCs Minerals and Waste Local Plan, Neighbourhood Plans and other development plan documents. Part of the River Medway in the Borough is tidal (to Allington Lock) and so regard should be given to the Marine Management Organisation's South East Marine Plan in this part of the Borough. **MM2** would address this omission and provide necessary referencing in the Plan, and I recommend it for effectiveness.
49. The individual site allocation policies in the Plan need to be modified to remove references to be being "draft" and to make clear they are as shown on the Policies Map. I recommend **MM61** as a collective change to the wording of all the site allocation policies in this regard. This MM would be necessary to ensure the Plan is positively prepared and effective.

Plan Period and strategic policies

50. The Plan was submitted in March 2022 and anticipated to be adopted by the end of 2022 such that the proposed plan period to 2037 would have looked ahead for 15 years as sought by paragraph 22 of the NPPF. Given the complexity of the examination that has not happened. Accordingly, it was proposed early in the examination to extend the plan period by one year to 31 March 2038. The reality is that with plan adoption now in 2024, even on this extended basis there would be a small undershoot on a 15 year period. I do not, however, consider that to be a further soundness issue. For reasons set out later in this report, the submitted plan seeks to put in place key components of a spatial strategy that will endure well beyond a 2038 plan period.

51. The start date of the plan period will need to be amended from 1 April 2022 as submitted. Adjusting the start date to 1 April 2021 would align with much of the submitted evidence base, including the SHMA¹² and EDNS. It would also reflect that the Plan was submitted for examination before 1 April 2022. Furthermore, it would enable an initial two years monitoring data on housing delivery in 2021/23 to be accounted for in the housing trajectory. Accordingly, I recommend **MM7** which would adjust the plan period and so ensure the Plan would be justified in terms of aligning with the evidence base against which it was prepared.
52. For consistency with national planning policy at paragraph 22 of the NPPF¹³ the Spatial Vision in the submitted Plan needs to look further ahead than 2037 given there are components of the plan, such as the new garden communities, where delivery would extend beyond this timeframe. **MM4** would address this by removing the reference to 2037 and acknowledging elements of the spatial strategy look further ahead than the plan period. I recommend the MM for consistency with national planning policy at NPPF paragraph 22.
53. The vision for the Lidsing garden community in the submitted plan recognises its long-term perspective (to 2057) but similar is required for the over-arching vision for the Heathlands garden settlement. **MM13** would do this, and so I recommend it to ensure consistency with national planning policy at NPPF paragraph 22.
54. NPPF paragraph 20 identifies what strategic policies should cover and paragraph 21 of the NPPF says these should be explicitly identified. Strategic policies are also relevant in terms of the basic conditions test for Neighbourhood Plans, in terms of ensuring necessary general conformity. A number of the policies in the Plan are identified as strategic policies. Other policies, notably the site allocation policies, are also to be considered strategic policies to ensure any Neighbourhood Plans consistently reflect them. **MM109** would insert a new appendix into the Plan clearly identifying the 'Strategic Policies'. This would be necessary for consistency with NPPF paragraph 21. **MM3** would provide required clarity in the introductory section of the Plan, in terms of confirming the policies in the new appendix are those strategic policies for the purpose of neighbourhood planning and I recommend it for similar reasons as **MM109**.

Housing Need and Requirement

55. The Plan was submitted for examination on 31 March 2022 based on an assessment of housing need using the advocated standard method for calculating need. The 2021 Strategic Housing Market Assessment (SHMA) update appropriately applies the formula of the standard method in accordance

¹² The SHMA 2021 Update Local Housing Need calculation is based on 2020 Affordability inputs as per PPG paragraph 2a-008-20190220

¹³ Further amplified at PPG paragraph 61-083-20211004

with the PPG. At the time of the SHMA the affordability ratio derived a minimum annual housing need figure of 1,157 dpa as set out in the submitted Plan, as consulted on in late 2021. Immediately prior to submission, however, revised median workplace-based affordability ratios were published¹⁴ on 23 March 2022 (8 days prior to submission) resulting in a modest increase for Maidstone Borough to 1,194dpa.

56. Whilst I appreciate the PPG states at paragraph 2a-004-20201216 that the most recent affordability ratios should be used, the test of soundness applies to the plan as submitted. The plan that had been consulted on at Regulation 19, only a short time period before submission had applied the recent 2020 affordability ratios available at that time, as per the latest 2021 SHMA update. As submitted the Plan has sought to significantly boost the supply of homes consistent with NPPF paragraph 60 (a 31% uplift from the 2017 Local Plan figure of 883dpa). As set out further under Issue 7 below, the Plan would comply with other provisions of the NPPF to significantly boost housing supply, in terms of a deliverable supply for first five year period and a developable supply in years 6-10.
57. The PPG at paragraph 2a-008-20190220 advises that the local housing need figure should be kept under review and changes in the inputs are variable and this should be taken into consideration. In considering the 2022 adjustment to affordability, this would equate to less than half a year of supply, in a plan which would firmly deliver a significant boost in housing supply. As such I do not consider it necessary to revise the local housing need figure on this basis. The Plan is required to be reviewed within five years and this would be the appropriate point at which to carefully revisit the local housing need figure.
58. Through the Dtc process no adjoining authority, including within the wider housing market area, has requested assistance to help meet any unmet housing needs. Reference is made to wider unmet housing need in the Greater London area. Whilst I recognise there were concerns on the adoption of the 2021 London Plan regarding the ability to deliver sufficient housing, there is little before me that matters have moved forward during the preparation of this Plan. Accordingly, it would not be necessary for soundness for this Plan to accommodate an arbitrary quantum of unmet housing need in the absence of any agreed strategic approach between Greater London and the wider South-East authorities, if indeed, that is ultimately deemed to be required.
59. In terms of translating the housing need into a separate housing requirement figure, it would not be necessary for plan soundness for the housing requirement to be higher than the housing need figure. In terms of whether the figure should be lower, there is little doubt that the scale of growth will have some negative environmental impacts, as demonstrated in the SA report.

¹⁴ Resulting in an uplift in the affordability ratio for Maidstone from 10.0 (38%) to 10.85 (43%).

These include harms to landscape quality, a further demand on stressed water resources, the loss of areas of best and most versatile agricultural land and potential impacts on protected habitats. These harms are not unique to the proposed spatial strategy. They are the consequence of a significant level of growth in a predominantly rural Borough.

60. There is, however, no evidence through the SA or HRA processes or the various SoCGs with bodies such as Natural England or the Environment Agency, that potential adverse effects arising from the proposed levels of growth are such that environmental capacity would be unacceptably breached. Various mitigations are proposed in the Plan such that when balancing residual environmental harms, they would not significantly and demonstrably outweigh the benefits of providing much needed homes and supporting a strong, competitive economy in the Borough. As such housing numbers would not need to be lowered in the terms envisaged at NPPF paragraph 11b).
61. When taken over the extended plan period, the overall housing requirement would need to increase from 17,355 to 19,669. This requirement would need to be expressed as a minimum (i.e. 'at least') consistent with national planning policy at paragraph 61 of the NPPF, which states that housing needs assessments determine the minimum number of homes needed. Accordingly, I recommend **MM7** which would adjust the housing requirement in the spatial strategy at submitted Policy LPRSS1 so that the Plan would be consistent with national policy, justified and positively prepared.

Requirements for Employment and Retail

62. The Plan is underpinned by a comprehensive evidence base on the need for economic development over the Plan period. The initial assessment was undertaken in the Economic Development Needs Study (EDNS) in two stages in 2019 and 2020. This work, consistent with the NPPF and PPG, defines a justified functional economic market area. It appropriately examines the baseline evidence in terms of the existing commercial activity, the labour market and wider economic drivers. I am satisfied that the Plan sets out clear spatial objectives for sustainable economic growth over the plan period consistent with the EDNS evidence which fits with the Council's Economic Development Strategy 2021, the South East Local Enterprise Partnership's Economic Recovery and Renewal Strategy and the Kent and Medway Enterprise and Productivity Strategy.
63. In terms of assessing the requirements for employment space, the EDNS has appropriately looked at scenarios of labour demand (derived from Experian economic forecasts), past trends in completions and estimates of local labour supply based on demographic modelling in the SHMA update. The EDNS Addendum in 2021 has revisited the scenarios to take account of recent changes to the Use Classes Order, impacts of Brexit and Covid-19 and to apply

latest Experian projections for 'labour demand' to cover the time period to 2042 (extending slightly beyond the plan period). The approach taken in the EDNS in terms of the various scenarios considered, clearly accords with the PPG (paragraphs 2a-027-20190220-2a-029-20190220).

64. The outputs of the three scenarios vary but in very broad terms the labour demand (scenario 1) and labour supply (scenario 3) result in positive floorspace requirements over the Plan period whereas past trends (scenario 2) would result in an appreciable contraction. For the various reasons given in the EDNS evidence it would be unreasonable to pessimistically plan on the basis that past take-up rates continue unchanged in the future and so scenario 2 has been appropriately discounted. Matters are more balanced between scenarios 1 and 3. The labour supply approach (scenario 3), unsurprisingly given the significant population growth arising from the housing numbers, generates the highest job growth projections and associated employment space requirements. It can be reasonably described as aspirational, but some caution would be justified given the relatively uncertain macro-economic outlook. In contrast, the labour demand approach (Scenario 1) reflects steady growth with some slight acceleration over the plan period compared with recent trends. In general terms, the forecast land requirements for scenario 3 are more than double those for scenario 1.
65. The EDNS has been consistent in the Stage 2 report (2020) and Addendum (2021) that the Plan should seek to accommodate as a minimum the labour demand (job growth) based requirement (scenario 1). This would ensure business growth potential would not be constrained by a lack of capacity in the Plan period. The EDNS addendum appropriately considers the 2020 Experian local-level employment forecasts which show that after a Covid-19 contraction, the workforce job base recovers to pre-pandemic levels by 2022 before steady growth over the period to 2042. In translating jobs growth to employment land requirement, the EDNS methodology makes appropriate allowances for vacancies and applies a sensible 10% buffer to reflect delays in sites coming forward and loss of existing employment sites. The EDNS also uses reasonable and recognisable ratios of workforce job to floorspace and plot ratios of floorspace to land hectares. The overall approach to calculating the conversion of employment growth forecasts to future employment land requirements is robust.
66. The initial outputs of scenario 1 in the 2020 EDNS for gross employment floorspace requirements was 101,555sqm for 2022-2037, rising to 146,475sqm for 2022-2042. The 2021 EDNS addendum increases these figures to 140,110 sqm to 2022-2037, rising to 206,665sqm for 2022-2042. Some caution needs to be applied to the EDNS addendum employment land requirement, recognising that 'jobs growth' using the 2020 Experian forecasts in the early part of the Plan period is likely to represent a 'catching-up' effect as the economy recovers from the effects of Covid-19. As such, jobs growth in the early part of the Plan period may not necessarily require new employment floorspace. In this context I find

the EDNS Addendum to provide a helpful sense-check on the principal requirement assessment contained in the 2020 EDNS¹⁵. Given the uncertainties around the impact of Covid-19, however, I do not consider it necessary for soundness that the employment land requirement should be markedly increased from the minimum figure of 101,555sqm as presented in the submitted Plan. This figure would provide for a positively prepared, justified and effective starting point for which to plan and would not constrain the economic potential of the Borough.

67. The floorspace requirement is expressed as a minimum in Policy LPRSS1. Given the extended Plan period above, it will be necessary for soundness to extrapolate the employment land (floorspace) requirement. **MM7** would do this, and I recommend it so that the Plan is justified, positively prepared and effective.
68. Policy LPRSS1 sets out retail floorspace requirements over the plan period based on the evidence in the April 2021 EDNS addendum, which I consider to appropriately reflect expenditure estimates and recent structural changes in the retail sectors, which points generally to consolidation rather than growth. As with the employment land requirements, the modest retail floorspace figures should be extrapolated over the revised plan period, resulting in some minor upwards adjustment in the figures in Policy LPRSS1 so that they are justified and positively prepared. **MM7** would do this, and I recommend it accordingly.

Spatial Objectives

69. The submitted plan identifies 11 spatial objectives which respond to the strategic issues facing the Borough over the plan period, consistent with the sustainability objectives set out in the SA report. Protection of the natural environment of the Borough (and beyond) is a key factor for the spatial strategy and in particular the presence of the KDNL through the northern part of the Borough and the proximity of the High Weald National Landscape to the southern part of the Borough. The spatial objectives reflect this, but the wording needs to be consistent with paragraph 176 of the NPPF in terms of great weight being given to conserving and enhancing their natural beauty. **MM5** would do this, although the precise wording of the MM needs to be refined to ensure consistency with the NPPF on the issue of setting. Accordingly, I recommend MM5 as amended.
70. Linked to the natural environment, the Plan appropriately contains a broad spatial objective under the umbrella of mitigating and adapting to climate change and which goes on to reference the need to address issues of flooding, water supply and “the need for dependable infrastructure for the removal of sewerage and wastewater.” Overall, the objective is consistent with NPPF

¹⁵ EDNS Addendum, paragraph 5.6

section 14 and paragraphs 152 and 153. The objective is critical given the known and increasingly tangible impacts of stresses on water resources both in terms of supply, as well as the capacity and quality of water courses for receiving treated wastewater. This is a particular issue for the Stour catchment in the east of the Borough, as considered through the HRA. Given the known need for specific infrastructure to accommodate the planned growth within the Stour catchment part of the Borough additional text is needed to accompany the spatial objective to reflect this and to emphasise the need for the Council and developers to work proactively to secure necessary upgrades to sewerage and wastewater infrastructure. **MM6** would insert additional text in support of Spatial Objective 4, and I recommend it for effectiveness.

Whether it is an appropriate Spatial Strategy

71. One of the key soundness tests for the submitted spatial strategy is whether it would represent an appropriate strategy for securing a sustainable pattern of development in the Borough. In order to be an appropriate strategy, it needs to perform well against the SA objectives¹⁶ when compared against other reasonable options. It also needs to be effective (deliverable), although this needs to be considered proportionately, when reflecting on the long-term nature of the strategy¹⁷.

Maidstone Urban Area

72. The starting point for the spatial strategy is Maidstone, which is the only significant settlement in the Borough and contains higher order services such as health, education, and retail. It is appropriately identified at the top of the settlement hierarchy as the "County Town". The Maidstone Urban Area is justifiably identified as the first tier of the spatial strategy to accommodate growth over the Plan period.
73. Maidstone was the primary focus for the growth in the 2017 Local Plan including significant housing developments to both the north-west and south-east of the town and employment sites close to the M20 to the north of the town. These sites are progressing well and will continue to make a significant contribution to delivery in the early years of the Plan period.
74. The Plan takes a positive approach to housing and other land uses within the town centre and at the strategic Invicta Park Barracks site. For reasons set out elsewhere in this report, I am satisfied that the Plan optimises the potential of these highly sustainable locations such that there is not a reasonable alternative spatial strategy of significantly higher growth within the urban fabric of the town. The Plan would also release additional major housing sites at the edge of the

¹⁶ Including the requirements of Strategic Environmental Assessment (SEA)

¹⁷ PPG Paragraph 61-059-20190315

town. Overall, the submitted Plan would direct approximately 60% of the planned housing growth and 37% of the planned employment growth over the plan period within and around the Maidstone Urban Area. This proportion of growth would be commensurate with Maidstone's top tier spatial role.

Garden Settlements¹⁸

75. As submitted, after the Maidstone Urban Area, the spatial strategy includes two new large-scale garden settlement proposals, to deliver significant housing and employment growth. An alternative approach to accommodating the significant uplift in housing numbers would be through a continuation of the previous 2017 Local Plan spatial strategy, including a further focus on the Maidstone Urban Area and dispersing an appreciable proportion of growth to rural service centres and larger villages across the Borough. This was assessed as a reasonable alternative strategy, including through SA¹⁹. However, given the scale of growth identified it would be challenging to sustainably accommodate this in addition to the significant levels of development provided for in the 2017 Local Plan. Moreover, significant incremental growth around the edge of the rural service centres and larger villages would not optimally align growth and infrastructure.
76. Consequently, there are cogent reasons why new large-scale development would secure a sustainable pattern of development in Maidstone Borough consistent with paragraph 73 of the NPPF. This includes, amongst other things, the ability to comprehensively and positively create new places from the outset to secure longer term benefits that would be difficult to secure through incremental and individual smaller scale developments. It would allow the uplift in land values to be used to fund and put in place necessary infrastructure in a timely way to support new and existing communities, including significant levels of affordable housing.
77. I deal with the soundness of the policy detail for the two proposed new Garden Settlement communities at Lenham Heathlands and Lidsing below in Issue 2 but address here their selection as part of the spatial strategy.
78. In respect of Lenham Heathlands, the option has been assembled and presented for assessment as part of the plan-making process, including the SLAA. The project is proposed by the Borough Council, who have now partnered with Homes England to deliver it. Whilst that has led to concerns of undue bias, I have found nothing to support this in the comprehensive evidence base to inform plan-making, including the two volumes of the Garden

¹⁸ The Plan and the evidence base refer both to Garden Settlements and Garden Communities. I use the term interchangeably in this report, recognising 'Garden Settlements' is the terminology used in the Spatial Strategy.

¹⁹ Preparation of the plan, including SA, initially examined 3 high-level approaches for the spatial strategy (options RA1; RA1a and RA2a). In effect, a do nothing (continue with 2017 Local Plan) and reasonable alternative strategies involving up to four garden settlements.

Communities assessment in 2020 and the separate SA process. Heathlands is one of the options which objectively performs well in SA terms.

79. Both Heathlands and Lidsing are at the edge of the Borough and there is a cynicism that they have been selected on this basis. This is particularly the case with Lidsing and the perception that “Maidstone growth” has been allocated onto the edge of Medway. With regards to Lidsing, the proximity of other urban centres, even if they are in other administrative areas, is a positive factor when assessing the sustainability of potential strategic growth locations. Medway and Maidstone are in the same Travel to Work Area and there are clearly strong synergies between the two areas given their proximity. Notwithstanding its edge of Borough location, it would have been unreasonable for plan-making for the Lidsing option not to be assessed, given it was presented through the call for sites, in a relatively unconstrained location. In respect of Heathlands, it is the ability to achieve a critical mass with a reasonable degree of self-containment and the scope for modal shift by existing bus routes along the A20 and its location on the Maidstone to Ashford railway line, which are clear factors supporting its consideration.
80. In terms of the assessment process for garden settlements and the selection of Heathlands and Lidsing early iterations of the plan identified a significant housing need and the concept of meeting some of that need along Garden Community principles²⁰. Through the call for sites process, 7 areas²¹ came forward with the potential to meet a minimum scale of development for a Garden Community (1,500 dwellings and associated facilities). All 7 Garden Settlement scale development areas submitted through the call for sites have been subject to a consistent and thorough suitability assessment. This work is more detailed than what might ordinarily occur through a SLAA process.
81. The suitability report discounted 3 options on a combination of locational factors and limitations to fulfil garden community objectives, particularly on sustainable transport and jobs creation. There are always disputes around the extent to which matters could be mitigated or how impacts are assessed. However, as part of a proportionate approach to strategic plan-making I find the assessment for sieving out these 3 options and concluding on the suitability of the four other options to be clear and robust. As such it was entirely reasonable that the further work on delivery and viability focused only on the smaller pool of 4 reasonable options.
82. The second stage deliverability and viability assessment readily determined that there was not sufficient evidence to demonstrate the delivery of the Leeds-Langley corridor, not least the absence of an agreed road alignment. Again, I find the discounting of this option, as a potentially deliverable garden community

²⁰ As set out in the Council's Garden Communities prospectus.

²¹ Technically 9 areas came forward, but 3 were reasonably amalgamated into 1 option for the Leeds Langley corridor

within the Plan period, at this stage in the process to have been reasonable. Accordingly, it was justified that the 3 remaining options were assessed as being potentially deliverable and viable and that they formed the three reasonable options for large scale garden community developments as part of the spatial strategy.

83. The SA of the Regulation 18b consultation plan in late 2020 and the SA of the proposed submission plan in 2021 [LPRSUB002a] have considered all reasonable options for the spatial strategy. Necessarily, this has been an iterative process. When looking at the summary assessment in Table 2.2 of August 2020 SA Topic Paper [LPR2.54] the eastern orbital road corridor focus (Option RA4) is noticeably the poorest performing. Matters were more mixed for the other options, but at an early stage it was clear the SA of the Regulation 18b Plan (LPR2.55) was appropriately looking at various Garden Settlement options, including Lidsing and Heathlands. The November 2020 SA report, including Table 4.1, provides a clear rationale for what has been tested. This approach appropriately set the parameters for informing the wider evidence base, including transport modelling work.
84. In determining 'reasonable alternatives' the SA makes clear the SLAA process informed the initial seven options and that these were subject to the two stage Stantec work in 2020. The SA adopts the outputs of the Stantec technical work and assesses the 3 reasonable options. In terms of what the SA considered for the garden communities at this stage, the Borough Council provided what it would be seeking as policy requirements. These are presented at Table 5.1 of the November 2020 SA and have remained reasonably consistent including in the submitted plan policies. What I do note from the November 2020 SA for Heathlands is "anticipated" provision of a new railway station and "aspiration that the site contributes to a new M20 junction". In respect of Lidsing is it clear from this early stage that a new arm to Junction 4 of the M2 was anticipated.
85. SA of the Regulation 19 plan was undertaken in September 2021 [LPRSUB002a]. It is a comprehensive report. The findings are comparable to earlier iterations. The scenarios that performed most strongly were Scenarios 3a-c (One garden settlement approaches). Scenarios with two garden settlements generally performed least well because any negative effects of two garden settlements are multiplied compared to one settlement. However, the SA acknowledges at paragraph 4.29 that scenarios with garden settlements could provide longer term benefits in terms of their masterplanning.
86. Table 4.8 of the 2021 SA shows the findings for the 3 garden settlement options and again the outcomes are mixed. The 2021 SA confirms (paragraph 7.70) that Lidsing and Heathlands are two of the three reasonable options. Table 7.5 shows the more detailed assessment of the strategic policies for the sites with the policy requirements. The table is accompanied by significant commentary against the SA objectives [paras 7.75 to 7.167] explaining the potential effects

of various mitigations proposed in the policy and why they would be necessary for sustainable development at these locations. It is a very thorough analysis including in respect of the water environment, the respective impacts of both developments on the KDNL and localised landscape impacts at Heathlands. Appendix C of the 2021 SA provides the detailed appraisal. Section 10.5 of the 2021 SA explains the Council's reasoning for choosing the strategy and policies in the Plan. Under the section 'site selection' on p219 of the SA the Council provides comprehensive and cogent reasoning for selecting the Lidsing and Heathlands locations.

87. In addition to the SA, in terms of moving forward to a preferred plan a number of judgements were made by the Council. The first was the ability of new garden communities providing new infrastructure "at source", including through the capture of the uplift in land values. This is supported by the Stage 2 Stantec work and is reasonable. The second judgement was to de-risk housing delivery by identifying two garden communities (to combat the risk of one larger garden community development failing to deliver). Again, this approach is logical in determining an appropriate strategy and part of the reasonable local choices for plan-making.
88. In assessing which two of the three reasonable options for garden community developments should be allocated, these have been examined on a consistent basis through SA, applying reasonable judgements. Having regard to the SA, all of the options are reasonably close together when assessed against the SA objectives. No one option stands out as markedly better than another, they all have benefits and various impacts. Any combination would have formed "an appropriate strategy".
89. The SA objectives are not weighted and so there remains some degree of flexibility, in terms of balancing residual harms against positives. The SA recognises that Heathlands and Lidsing impact the KDNL. Even if Heathlands and Lidsing were ascribed a greater degree of harm against the landscape objective, that is only one dimension of sustainability and in my view would not radically alter the overall outcome. The fundamental sustainability advantages of Heathlands and Lidsing are their location relative to existing services and facilities and their capacity to take advantage of existing sustainable transport connections that are not predicated on long-distance commuting. Both locations are better related to main urban areas and would align with actively managing patterns of growth to promote sustainable transport and focusing significant development into locations which are or can be made sustainable, consistent with NPPF paragraph 73.
90. The basis of how the SA assessed Heathlands is not fully reflected in the Plan, in respect of railway station provision as part of the proposed development. MMs, discussed in Issue 2 below, would address this, and this is reflected in the SA Addendum [ED124]. The point remains, Heathlands is on a rail line that

connects to Maidstone (the main sub-regional centre) and both Lidsing and Heathlands can readily connect to existing bus routes. Both sites would not involve housing or employment development directly within the KDNL.

91. In respect of Heathlands there is dispute regarding its availability. The concept of development has been promoted by the Borough Council and is now being taken forward by Homes England. Large parts of the location were advanced through the call for sites. Various parts of the site are either existing mineral operations or are identified in the Kent Minerals Sites Plan to be worked out and restored during the Plan Review period. Based on the evidence²² I am satisfied that development could be sequenced at Heathlands in a way which enables the phased delivery of homes without conflict with the phased workings of available mineral resources.
92. The issue of best and most versatile land has been considered, including through SA (Objective 9) as a key sustainability issue. Borough wide there are limited options to avoid the impact²³. The Plan seeks to make the most of available urban and sustainably located previously developed land. Lidsing includes elements of better Grade 3a land and Heathlands includes both Grade 2 and 3a land. All reasonable garden settlement options score similarly negatively against the SA objective on soils. Whilst the NPPF at paragraph 174b) states that the benefits of best and most versatile land should be recognised that needs to be balanced against meeting the needs of the area in a way which would secure a sustainable pattern of development. Masterplanning at the garden settlement locations would represent the appropriate stage to consider whether the impact on soil quality could be mitigated as set out in the detailed considerations at Appendix C of the SA.
93. In conclusion on this part of the spatial strategy, the principle of new large-scale garden communities would be a sound component for a spatial strategy given the need to deliver a substantial number of new homes. It would provide a degree of long-term stability, for both investment and delivery so that infrastructure can be appropriately aligned to growth.

Strategic Development Locations

94. Beneath new garden settlements, the Plan identified three strategic development locations. The Lenham Broad Location (LBL) and the Invicta Park Barracks site were previously allocated as strategic locations in the 2017 Local Plan. I deal with the policies for both locations in Issue 3 below. In terms of the

²² ED13 Heathlands Minerals Resource Assessment (further updated in ED42) & ED43

Correspondence from Brett Aggregates

²³ LPRSUB002a Paragraphs 4.75 and 6.78 – Submission SA Report

spatial strategy, the LBL is now encompassed within the made Lenham Neighbourhood Plan and no modifications are required to the spatial strategy.

95. In terms of the Invicta Park Barracks site to the north of Maidstone town centre, this has been subject to significant technical work in the intervening period since the 2017 Local Plan. This evidence demonstrates that the principle of residential-led redevelopment for some 1,300 homes at Invicta Park Barracks is sound. There is not a reasonable alternative spatial strategy option where the site could sustainably accommodate a strikingly higher capacity thus negating the need to release land for garden settlements.
96. The Plan identifies the Leeds-Langley corridor location in the spatial strategy as a strategic development location to deliver a relief road connecting the A274 to Junction 8 of the M20 to the east and south-east of Maidstone. Technical evidence estimates approximately 4,000 homes would be required to enable the road to be delivered in the absence of any other sources of funding. The submitted housing trajectory makes no allowance for any delivery within the plan period at Leeds Langley. Overall, I find there is insufficient evidence to demonstrate that sustainable development could take place at Leeds-Langley within the Plan period. This includes consideration of its environmental context and its wider connectivity given it is largely separated from the Maidstone Urban Area by intervening countryside. Whilst there has been some progress in coordinating various land ownerships, including an updated position statement²⁴, there remains considerable uncertainty with regards to the proposed 'safeguarding' approach at Leeds-Langley to fund delivery of what is estimated to be a £57million local relief road. As such it would not be justified to identify a Leeds-Langley Corridor as a strategic development location which in effect would amount to a reserve strategic growth location for up to a further 4,000 new homes.
97. As such the inclusion of Leeds-Langley corridor as a strategic development location in the spatial strategy is neither justified nor effective. Accordingly, I recommend the related part of **MM7** which would remove Leeds-Langley from within Policy LPRSS1.

Rural Settlements

98. I deal with the individual rural service centres under Issue 6 below. The spatial strategy positively identifies rural service centres as locations of "secondary focus" for housing development during the Plan period. Further significant growth distributed around the edge of these settlements would, however, be unlikely to deliver strategic infrastructure solutions and may well compound unsustainable travel patterns to access higher order services and employment. Overall, rural service centres, larger villages and other settlements are

²⁴ Document ED52

appropriately identified at the lower tiers of the spatial strategy for commensurate levels of development. It would not be necessary for plan soundness to elevate any of the rural service centres, including Staplehurst, to somewhere higher in the overall settlement hierarchy.

General approach to transport modelling in support of the Spatial Strategy

99. The submitted plan has been underpinned by transport modelling (including air quality)²⁵ which has looked at the baseline situation, the impact of proposed growth to 2037 without mitigations and then with mitigations. Identified mitigations, including from further assessment work, has fed into the iterative Infrastructure Delivery Plan (IDP) process. From the signed SoCGs, National Highways have had the opportunity to review and approve the methodology and to review the outputs of the Maidstone modelling work. Further modelling work [LPR5.2] has extended the outputs to 2050 to reflect the two garden community proposals. Reference has been made to the proximity and potential impact of the Lower Thames Crossing including in relation to cumulative air quality impacts for protected habitats. This project remains to be examined and so I consider the work undertaken in terms of high-level sensitivity testing is a proportionate one for this Plan²⁶.
100. The modelling is taken from the Kent countywide VISUM Model and develops an appropriately detailed local model for the Maidstone Urban Area to create a Maidstone Transport Local Model. The modelling validation clearly reflects the developments identified in the submitted plan, including the two garden community proposals. Key assumptions for the garden communities are reasonable in terms of a 10% reduction in car trips at Lidsing and Heathlands due to modal shift and internalisation. The latter is generally applied at 5% which would seem reasonable with the increase in home working. Further transport assessment work may adopt more ambitious modal share subject to the sustainable transport strategies for the strategic locations. As such I consider the modelling work for the Plan to be reasonably precautionary.
101. In addition to the Borough wide modelling undertaken by Jacobs, further work has been undertaken in relation to Heathlands, Lidsing²⁷ and Invicta Park Barracks in terms of specific junctions on the local road network, further modelling of M20 Junctions 7 and 8 and M2 Junctions 3 and 4 and consideration of sustainable transport strategies for both Heathlands and Lidsing. In its totality, the evidence sufficiently demonstrates that for the purpose of plan making, appropriate opportunities to promote sustainable transport have been made, safe and suitable access can be achieved for all

²⁵ Jacobs commissioned by Maidstone Borough Council and KCC

²⁶ ED83 – Impact of Lower Thames Crossing. Also considered in ED53 Transport Assessment for Lidsing

²⁷ Including by reference to Medway's AIMSUN strategic model

users and any significant impacts from the development on the transport network can be cost effectively mitigated to an acceptable degree.

102. The transport work in support of the Plan has broadly satisfied National Highways²⁸. Notwithstanding their concerns with potential mitigation for the Plan's proposals in relation to M2 Junction 3, KCC have assisted plan-making in the plan-wide modelling work and they have positively engaged in the necessary updates to the transport work in relation to Heathlands, Lidsing and Invicta Park Barracks. Where necessary I have amended the detailed wording of the MMs in light of KCC Highways' constructive comments. There will need to be additional work as the Plan's proposals progress, but the transport modelling and assessment done to date has been proportionate to plan-making. It provides an appropriate foundational basis for detailed work through SPDs, masterplanning and transport assessments for the strategic growth locations identified in the spatial strategy.
103. The Integrated Transport Strategy (ITS) has been further updated, including during the examination, to include a new 'Action GC1' for the Garden Communities in terms of setting out the broad requirements for implementing an integrated, cohesive approach to the provision of transport solutions to deliver new garden communities. The ITS dovetails with the IDP, including identified off-site highway capacity improvements. In respect of plan-making, a necessary but proportionate amount of work has been undertaken.
104. Importantly, the approach to transport planning, and proposed to be embedded in the Plan through various MMs, reflects Department for Transport (DfT) Circular 01/22 and the move away from transport planning based on predicting future demand to provide capacity ('predict and provide') to planning that sets an outcome communities want to achieve and provides the transport solutions to deliver those outcomes (vision-led approaches including 'vision and validate,' 'decide and provide' or 'monitor and manage').

Key Diagram

105. As required by NPPF paragraph 23 the Plan contains a key diagram showing broad locations for development. The submitted key diagram has legacy issues from the 2017 Local Plan and so is not accurate or up to date in showing the strategic locations for housing. As set out elsewhere in this report, I am recommending the removal of the Leeds-Langley corridor as an area for route safeguarding and potential strategic development. The key diagram would need to be updated accordingly. **MM9** would make the necessary changes to

²⁸ Including ED106 Updated SoCG May 2023

address these issues and I recommend it so that the Plan is justified and effective.

Conclusion on Issue 1

106. Subject to the MMs identified above the Spatial Strategy would be justified and an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.

Issue 2 – Whether the strategic policies for the Garden Settlements are sound?

Lenham Heathlands (Submitted Policy LPRSP4(a))

107. Policy LPRSP4(a) is a detailed strategic policy comprising a comprehensive set of requirements for the site. It sets out that there would be subsequent SPD and masterplanning processes. This would be in accordance with the garden community principles, and prior to any initial planning application.

108. Development of the site will not be straightforward. There are issues of water quality, the sequencing of minerals operations on various parts of the site and impact on the setting of the nearby KDNL together with the host landscape character within which the site is situated. There is, however, sufficient evidence, proportionate to plan-making, to demonstrate that water quality issues can be mitigated to avoid harm to downstream protected habitats within the Stour catchment. The evidence on the timing and cessation of minerals operations is compatible with the phasing of the development and likely build-out rates. To clarify matters in this regard I recommend, for effectiveness, that additional text be added to the Heathlands policy to reflect that phasing of the development should not inhibit the ability to extract minerals (sand and gravel) from the sites allocated in the Minerals Plan²⁹.

109. The development will in its early stages result in notable landscape and visual harm, including views out from and towards the Downs scarp slope, a short distance to the north. Initial phases of the development would be conspicuous from within the KDNL in expansive, panoramic views over the gently undulating Weald below, including from short sections of the North Downs Way National Trail around and close to the Lenham Cross. The KDNL is a designated area which the NPPF at paragraph 176 confirms has the highest status of protection in relation to landscape and scenic beauty. The final part of paragraph 176 states that development within the setting of KDNL should be sensitively located and designed to avoid or minimise adverse impacts.

²⁹ ED65 Statement of Common Ground with KCC

110. Having regard to the SoCGs with the Kent Downs National Landscape Unit and having visited the various suggested viewpoints, I find the submitted policy would not be sound in providing a sufficiently robust and effective framework for mitigating the harm to the setting of the KDNL and the local host landscape more generally, including the sensitive East Lenham Vale and Chilston Parkland landscape character types. MMs are therefore needed to significantly strengthen the requirements in the policy to comprehensively landscape the development, especially along its sensitive northern edge.
111. In the medium to long term, strategic peripheral landscaping and comprehensively planned green infrastructure within the development would be effective in assimilating the development within the landscape. Settlement has historically formed along the foot of the escarpment, including nearby at Lenham and Charing and slightly further afield at Maidstone, Harrietsham and Ashford. The Heathlands proposal would fit into this settlement pattern and like many of these other settlements, intervening vegetation can play a significant role in screening development in the middle ground, whilst still enabling unfettered appreciation of the extensive long-range views over the Low Weald. Whilst highway access from the A20 would remain conspicuous from the KDNL, it would be experienced in the context that the main A20 road already forms a noticeable visual and audible feature in the middle ground perspective between the escarpment and the Heathlands location. In my assessment, any new highway spur from the A20 into the Heathlands development would not materially change the views, experience or tranquillity in this part of the KDNL.
112. The existing Lenham WWTW, which discharges into the Stour Catchment, is situated within the Lenham Heathlands location. The submitted Plan has been assessed, including through the HRA, on the precautionary basis that nutrient neutrality would be achieved through a combination of Natural England's latest land budget formula regarding removal of farmland inputs and a new private waste water treatment works. Significant wetland habitat areas would also be required to filter treated and surface water flows before entering into the Stour. A significant amount of technical work has been undertaken, and I am satisfied that this demonstrates, at a level proportionate to plan making, that the proposed solutions are feasible and would be effective. Constructing a new private WWTW will be a significant cost, but it is becoming an increasingly common approach to overcoming existing capacity constraints.
113. As set out above, the HRA process has concluded that with mitigation in place, the Heathlands development would not result in an adverse effect on site integrity at Stodmarsh. Policy LPRSP14(A) sets out the strategic approach at submitted criterion (v). In terms of phasing of water infrastructure at Heathlands, it would be necessary to identify new or improved waste water treatment mechanisms being delivered in phase 1. Additionally, phased "nutrient neutrality mitigations" (which would cover wetlands, infrastructure and other measures) also need to be included throughout the development period. Again,

the subsequent SPD and masterplanning processes will develop further the detail of how the Heathlands development could be delivered, including scale and location of wetlands and precise trigger points for WWTW infrastructure.

114. There are concerns regarding water quality more generally in the River Great Stour as a consequence of the proposed development, particularly for local fishery businesses. The AA as part of the HRA process has demonstrated at a strategic level that with mitigation, water discharges from Lenham Heathlands into the Stour catchment would not exacerbate nitrogen or phosphate levels. There is also credence to the benefit that enhanced treatment, working to a higher permitting standard, could deliver wider environmental gains for water quality, including assisting with water flows during extended dry periods.
115. Proposed wetland habitats will be an intrinsic part of the allocation and they would be fed by water discharged and treated to a necessarily high standard from water treatment plant. The wetlands would not be supplied from water abstracted from the Stour. The geology at the site of the proposed wetlands is mixed including areas of permeable sand. Given the sensitivity of the Stour water environment and the proximity of the protected aquifer, wetland solutions at Lenham Heathlands may well need to be intricate, including elements of lining and very careful positioning as part of the masterplanning process. A significant amount of work at the plan-making stage has been undertaken to demonstrate the general feasibility of wetlands. Having regard to this, some additional specificity to part 5(d) in Policy LPRSP4(a) would be necessary for soundness to recognise that elements of the proposed wetlands are likely to require specific design and implementation in relation to ground conditions to ensure that adjacent watercourses are appropriately protected. In combination, both Policy LPRSP4(a) as proposed to be modified and Policy LPRSP14(A) (part 2 and part 6 (especially criterion v)) would provide an effective policy framework to protect the quality of local watercourses.
116. Whilst the River Great Stour at this location is not a SSSI, it is a rare chalk stream habitat and there is need to protect against potential indirect impacts. Section 7 of the policy would require the southern part of the site adjacent to the Stour to be a new country park. As submitted the policy stated that this should include wetlands. In light of the latest technical evidence, this part of the site is not required to provide wetlands and so part 7a) of the submitted policy should be modified to disconnect this association. Additionally, part 7h) of the policy requires enhancing and creating new ecological corridors in the site, including along or parallel to the River Great Stour. Given these policy requirements, together with the position of the M20 and the HS1 rail line, the development of Heathlands can be planned in a way which avoids new development close to the Stour.
117. Proposals at Lenham Heathlands would also be subject to the requirements of submitted Policy LPRSP14(A) (as per the MMs) which would require

development to protect against pollution in respect of both ground and surface water and to incorporate measures to improve the ecological status of water bodies. This would be in accordance with NPPF paragraph 174e and 179b. It is not necessary to repeat these requirements in the policy for Heathlands.

118. One of the key tenets of garden communities is creating a level of self-containment, including in relation to employment opportunities. The Plan as submitted allocates 14 hectares (ha) of land for employment uses and seeks to provide as close as possible to 5,000 new jobs. I accept 5,000 jobs in a location which is largely untested by the market would be challenging but there is a reasonable prospect that significant jobs could be created³⁰. The latest evidence points to this being predominantly in the light industrial sector and some specialist sectors (food production and life sciences). Additionally, Heathlands at 5,000 homes is also justifiably required to provide a new district centre adjacent to the railway station providing a significant knowledge-based employment offer. There would also be employment in new primary schools and a new secondary school.
119. In terms of the 14ha of employment land identified this would need to be phased, with some early delivery (c.7ha) in phase 1 of the development. The new district centre will take time to deliver such that it may not be completed until phase 2 (to 2045). I do not see this phasing as inimical to the vision and objective of good levels of self-containment.
120. In terms of employment calculations provided by the Council and Homes England, I am largely discounting the 1,330-2,730 potential jobs assigned to home working³¹. These would be jobs largely 'based' elsewhere rather than specifically created at Heathlands. That said from a perspective of self-containment, home working has become widespread in some sectors post Covid-19 with beneficial implications for travel demands at peak periods. Additionally, a notable daytime resident workforce of homeworkers and self-employed would notably support services and facilities in Heathlands.
121. Taking the estimates for fixed on-site employment, at least 3,500 new jobs would be reasonable for Heathlands. I see no necessity for a modification and that an aim or objective to deliver more jobs and as close to 5,000 jobs remains justified. I also consider it important that the concept of garden communities also refers to a range of jobs within easy commuting distance, which is echoed at NPPF paragraph 73b). The Heathlands location is reasonably close to significant employment in Maidstone and Ashford, some of which would be accessible by rail and bus.

³⁰ Set out in ED47A

³¹ As set out in the September 2021 SQW report [LPR1.90] and revisited in the October 2022 BE Report [ED47A]

122. In planning for larger scale developments, the NPPF states that they should be of a size and location to support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment) or in larger towns to which there is good access. As submitted, the strategic policy for Heathlands would not be sound in this regard and not in accordance with the basis on which the allocation was assessed in SA. Accordingly, MMs would be necessary to ensure that infrastructure is delivered and coordinated in a timely manner. I recommend the proposed insertion of a table within the policy setting out the phasing and related indicative infrastructure requirements. This would align with the evidence in the IDP, as tested through the high-level viability appraisal work.
123. In terms of securing genuine transport choices, a significant advantage of the Heathlands location compared to other spatial choices for large scale development is its location on the Ashford to Maidstone railway line and the potential for a new station to serve the allocation. SA was undertaken on this basis. Accordingly, it will be necessary to modify the policy to confirm a railway station is to be delivered. Additionally, the phasing table will need to identify the early delivery of a railway station at Heathlands in phase 1 at a location that will form a hub within the allocation. Initial work³² demonstrates at a high-level that a station is potentially feasible from locational, operational and timetabling perspectives. Network Rail have supported, without prejudice, the submission of a strategic outline business case (SOBC)³³. For the purpose of a strategic policy and demonstration of a reasonable prospect that an additional station at Lenham Heathlands is a realistic option, I consider the evidential threshold has been met and that a SOBC is not necessary at this stage for plan soundness.
124. Notwithstanding, transport options available, the reality is, however, that the car will remain a key transport choice at Heathlands. In this regard a level of assessment of the Heathlands proposal has been undertaken proportionate to plan-making including a Transport Impact Assessment³⁴. The evidence shows that, even when allowing for cautious levels of modal shift and self-containment, there would be a need for off-site highway interventions on the A20 and at Junction 8 of the M20. The general scope of these interventions is identified and has been fed into the updates of the IDP and ITS. On a precautionary basis I am satisfied that viability assessment demonstrates a sufficient affordability envelope to contribute to off-site highway interventions identified by the existing evidence, where required.
125. The evidence demonstrates a reasonable prospect of a deliverable solution to junction improvements at M20 Junction 8, which has been assessed and positively considered by National Highways. It would involve relatively modest

³² ED14 – Outline Assessment of Case for a Station at Heathlands – JRC May 2021

³³ LPR1.95 – Network Rail letter of 30 June 2021

³⁴ ED89 Heathlands Transport Impact Assessment – April 2023

capacity improvements within existing highway. It is sufficient at this stage of plan-making to demonstrate a reasonable prospect that impacts on Junction 8 can be appropriately mitigated. As submitted the policy is very broad in relation to potential impacts on the M20 and ineffective. As such I recommend additional detailed content requiring further assessment, for both junctions 8 and 9, as part of any subsequent SPD process and detailed Transport Assessment and for National Highways and KCC to be co-operatively engaged in this work.

126. Additionally, a high-level menu of works along the A20 corridor has been identified as being necessary at this stage to facilitate the development. The detail of this is set out in the IDP and does not need to be replicated in the Policy as it may be subject to change. Various proposed amendments to parts 6e) and 6f) of Policy LPRSP4(a), would be necessary to provide sufficient policy hooks to ensure that any impacts on the strategic and local road networks are appropriately considered and where necessary mitigated. Future iterations of the IDP and the ITS, together with the masterplanning and SPD processes, provide ongoing mechanisms to revisit the headline highways interventions necessary for a strategic project that is going to take several decades to fully implement.
127. In light of representations on the MMs I have amended the indicative infrastructure and phasing table to reassign the second principal highways access from phase 2 to phase 1. The precise point at which this would be necessary would be subject to further work. In coming to this view, I agree with KCC Highways that the site should not rely on a single point of access to the A20 for a considerable quantum of development and that a second point of access would enable enhanced bus circulation, particularly diversion of existing routes. This is something which should be secured earlier rather than later to establish sustainable travel behaviours in the new community. Accordingly, I recommend an amendment to the MM.
128. The Transport Impact Assessment [ED89] recognises there would be some distribution of traffic south of the site and mitigation may be required. Those are details that can be addressed through further transport work alongside the SPD and masterplan. I recommend as part of the MMs additional policy content to specify that the SPD will include a detailed Transport Assessment, which amongst other things will look further at the impact on all surrounding road corridors having regard to a number of factors (my emphasis). As Policy LPRSP13 states, the site specific infrastructure in the site allocation policies are not exhaustive lists and further requirements, stemming from more detailed work, may be required.
129. Having regard to the NPPF, I am satisfied that infrastructure deficits in so far that they exist in relation to Heathlands have been appropriately identified at a level proportionate to what is a strategic, long-term development. Various

deficiencies have been identified and Policy LPRSP4(a), subject to the recommended MMs, would set out in sufficient terms how those deficiencies will be addressed. PPG paragraph 61-059-20190315 refers to longer term growth through new settlements and recognises that there may not be certainty and/or the funding secured for necessary strategic infrastructure at the time the plan is produced. In these circumstances strategic policy-making authorities will be expected to demonstrate that there is a reasonable prospect that the proposals can be developed within the timescales envisaged.

130. In terms of 'reasonable prospect', PPG paragraph 61-060-20190315 refers to making realistic assessments around site delivery and engaging with infrastructure providers in terms of awareness of what is being planned and what can reasonably be considered achievable within planned timescales. Fundamentally, for this Plan, the final part of PPG paragraph 61-060 states that developments that extend outside of a single plan period (as is the case with Heathlands, and also Lidsing) that subsequent plans and plan reviews are an opportunity to provide greater certainty about the delivery of the agreed strategy. With this in mind, and whilst I understand local communities want to see greater detail and certainty as part of this Plan, I consider an appreciable degree of latitude needs to be extended to the infrastructure and viability evidence currently available. As the final sentence of PPG Paragraph 61-060 states, if it becomes evident that delivery at Heathlands is adversely affected by issues that are unlikely to be resolved, then that would be a matter for plan review.
131. Delivery at Lenham Heathlands will in large part be a consequence of Homes England's involvement as master-developer and their commitment to bring the scheme to fruition, including their ability to take a longer-term perspective on investment and returns. The housing trajectory assumes initial units being completed at Lenham Heathlands in 2029/2030. Allowing for an SPD, masterplan and initial planning application that would be optimistic given that Plan adoption has moved back since the Heathlands Project Delivery Plan was prepared. Consequently, I recommend that first completions are moved back to 2031. Given the housing need and the ability for Lenham Heathlands to comprehensively secure a variety of well-designed homes to meet the needs of different groups in the community I am satisfied that the site can reasonably and consistently yield 160-240 homes per annum, possibly slightly more, including in combination with development at the nearby Lenham Broad Location.
132. From the initial inception of this project through to the Plan Examination, it appears that Homes England have made good progress in securing necessary land agreements. I am not unduly concerned that there remain ongoing land negotiations, with the likelihood that some landowners will be awaiting the outcome of this examination process. There remains a lengthy period for implementing Heathlands and a phased approach to delivery. All of which would allow time to coordinate remaining land assembly. Again, I refer to PPG

paragraph 61-060 such that if there were unresolved delivery issues, including land ownerships, that would be a matter for a plan review.

133. I acknowledge that the viability of Heathlands is marginal. The Plan has been accompanied by proportionate viability assessment of the strategic sites which was further updated to reflect sales values as of May 2023, build costs as of May 2023³⁵ and updated infrastructure costs. The latest viability work identifies that build costs have increased approximately 30% since 2021.
134. At a high level Heathlands has been valued as a £1.8billion development. In headline terms, the latest viability work demonstrates that the scheme would be viable based on 40% affordable housing and approximately £100million for infrastructure. The viability appraisal update has taken a reasonably detailed approach in Appendix 2 in setting out infrastructure and construction costs which are taken from engagement with the site promoters and IDP costs. Not all costs are yet established and there are inevitably debates around how specific inputs have been calculated but it needs to be borne in mind that this is a strategic long-term development. As such that it is not necessary for the soundness of this Plan to overly-focus on specific costs and timings in 2024 on a scheme which is going to take many years to come to full fruition. The viability work is appropriately detailed for a strategic policy.
135. It is suggested that infrastructure costs do not appropriately reflect increases for inflation and that a higher contingency (circa 40%) should be factored in to provide more certainty that the scheme would remain viable. The viability surplus is modest and as the viability update acknowledges, any moderate movement of 5% increase in costs or decrease in sales values would present a viability risk. The viability assessment, however, takes a cautious approach to construction costs with a likelihood that economies of scale would add to viability. Receipts from employment development and further work at the detailed masterplanning stage could add further to the viability. The overall viability of Heathlands is slender and that is a matter that needs to be closely followed. The significant and direct involvement of Homes England should not be underestimated in terms of their ability to assist delivery, over the long-term, in contrast to standard development cashflow models. The viability of Heathlands does not assume any external funding or assistance.
136. In drawing all of the above together, the detail of the submitted Lenham Heathlands Policy LPRSP4(a) would not be sound. Accordingly, modifications are required to the strategic policy for soundness.
137. Part 1) of the policy needs to adjust earliest housing delivery to 2031 and to make clear that infrastructure identified in the policy will be delivered in

³⁵ BCIS (Building Cost Information Service) – Median Average values, calibrated to Maidstone Borough

accordance with the phasing table contained with the policy. This would ensure the policy would be justified and effective.

138. A phasing table needs to be inserted within the policy which would identify the key infrastructure inter-dependencies necessary to support a phased approach to achieving sustainable housing delivery. Given the long-term nature of the project, the infrastructure is necessarily 'indicative' but the table includes what is required at a preliminary stage prior to any development being completed and that what will be required over 5 phases to 2054. All of this is necessary within the policy to ensure that the Plan would be effective and consistent with national planning policy regarding national landscapes (NPPF paragraphs 174 and 176), delivering sustainable larger scale development (NPPF paragraph 73b), c) & d)), managing sustainable patterns of growth (NPPF paragraph 105), facilitating modal shift (NPPF paragraph 106) and avoiding severe residual cumulative impacts on the road network (NPPF paragraph 111).
139. MMs to identify preparatory work on a new railway station in the preliminary stage of the development and the delivery of a railway station within phase 1 are necessary to ensure the policy fully aligns with the SA assessment and to embed the ambition of modal shift early within the development programme, with the attendant benefit of potentially reducing the degree of off-site highway interventions that may be required. This is necessary for plan effectiveness and consistency with national planning policy (NPPF paragraphs 73 and 106).
140. Specific requirements in relation to wastewater treatment infrastructure need to be inserted into the policy. I have removed the word 'new' in Section 5 part (d) of the policy to clarify that the future masterplanning of Heathlands must have regard to the existing treatment works at Lenham.
141. Additional policy content is required to recognise that phasing of development will align to extraction and completion of the mineral sites allocations identified in the Kent Minerals and Waste Local Plan. This would be necessary for effectiveness.
142. The policy needs to be modified to clarify that the target is 40% affordable housing, in line with the evidence of need and viability for greenfield development in high value zone. This would be necessary for effectiveness and to ensure the policy is positively prepared in meeting identified housing needs.
143. A substantive re-writing of part 3 of the Policy on landscape and design is required to ensure the policy would be effective in mitigating the impact on the setting of the KDNL and assimilating a strategic development within a rural and verdant setting. This would also be necessary for consistency with national planning policy at NPPF paragraphs 174 and 176.

144. Amendments are needed to part 5 of the policy on 'infrastructure' to update the extent of primary school provision required, to provide specificity on the secondary school provision required, to provide further clarity on the form and location of future new waste water treatment works, and to confirm that a new medical centre should be provided. Following the consultation on the MMs I have amended the secondary school requirement to 6FE in light of the comments from KCC. These changes would make the policy effective and justified.
145. Significant additional text is required to part 6 of the Policy including a requirement to submit a 'Monitor and Manage Strategy' for transport infrastructure in line with the 'vision and validate' approach in DfT Circular 01/22 and to be agreed in consultation with National Highways and KCC. I have slightly amended the wording of this part of the MM to clarify that the implementation of the 'Monitor and Manage Strategy' will be agreed by the Local Planning Authority in consultation with National Highways and KCC Highways, to ensure further effectiveness. I have also amended the requirement for bus integration in phase 1 to be timed in accordance with the IDP and the 'Monitor and Manage' strategy to ensure effectiveness. The policy also needs a clearer requirement to assess and mitigate any impacts on the M20 including a scheme for Junction 8 in line with the 'Monitor and Manage' approach. Additionally, clarification is needed that highway mitigations would be established through the forthcoming SPD and a Transport Assessment in line with the 'Monitor and Manage' approach, as set out in the IDP. These modifications would be necessary so that the plan is justified, effective and consistent with national planning policy at NPPF paragraphs 104, 105, 106, 110 and 111.
146. Various modifications to the environmental requirements in the Policy at Section 7 are required. These include, amongst other things, a necessary clarification that a new country park would be created around the River Stour corridor in the south of the site, the requirement to undertake a heritage impact assessment, and clarification that the allocation requires the enhancement of existing and creation of new ecological corridors along or parallel to the River Stour. These modifications would be necessary for plan effectiveness.
147. All of the above proposed modifications to Policy LPRSP4(a) are comprehensively set out in **MM15**, which I recommend for the various reasons given above.
148. In addition to the significant changes to the strategic policy for Heathlands, there will also need to be some amendments to related paragraphs of the submitted Plan. I recommend modifications in **MM13** to paragraph 6.71 for internal consistency and effectiveness in relation to the provision of a railway station and a recognition that large parts of Heathlands will be implemented beyond the end of the plan period and as such impacts and infrastructure requirements will need

to be revisited and very likely updated as part of a Plan review. I am also recommending **MM14** which would insert a new paragraph into the Plan providing guidance on the Landscape and Visual Impact Assessment required by modified part 3 of the Heathlands policy. This modification would also be necessary for plan effectiveness.

Lidsing (Submitted Policy LPRSP4(b))

149. The Lidsing proposal would to a significant degree function and be regarded as part of the wider Medway urban conurbation. This would be reinforced by its general containment by the M2 motorway along the southern boundary of the site, which would form a notable physical barrier to the wider countryside and the rural settlement of Bredhurst. Nonetheless, it is justified that plan preparation has considered that the site is a location that could deliver garden community principles and a degree of self-containment given its overall scale at 2,000 homes and 14ha of employment land. The location and general approach to Lidsing is consistent with NPPF paragraph 73(b) and (c).
150. In terms of creating a sustainable community, with sufficient access to services and employment opportunities within the development itself, the submitted plan sets out a clear vision for Lidsing by 2057. This includes establishing an exemplar urban extension with a distinctive local character, to create a new place with its own identity. The submitted vision confirms it would be a landscape-led settlement, designed and constructed with climate change resilience at the forefront. Development would also be subject to a masterplanning process to ensure open space connectivity through the site from the Capstone Valley to the edge of the KDNL.
151. The site is required to provide 14ha of new employment land, which has been broadly profiled to comprise 50% storage/warehouse use, 35% light industrial and 15% office. Given the site would be directly connected to the M2 strategic road network this would be a justified approach. As such the objective of the policy to generate circa 2,000 new jobs, and possibly more, is realistic, with a reasonable prospect that a proportion of the new residents in the development would be able to access employment without the need to travel extensive distances. The proposed employment provision is central to delivering along the garden community principles. The proposed employment provision has fed appropriately into the transport modelling work for this stage of plan making.
152. In terms of wider on-site services and infrastructure to underpin the new community the policy requires a new local centre for retail, leisure and service uses. It also requires a new primary school. This is consistent with the evidence in the IDP. The proposal would also be required to contribute towards secondary school capacity in the area. Additionally, given the scale of

development, it should be made clear that the proposed new local centre would be the location for a new medical centre and a MM is necessary to identify this.

153. The development is envisaged to take 30 years and so the policy sets out a sound approach to governance arrangements over the long term. In addition to the initial masterplanning and SPD work, the project will need durable governance to ensure infrastructure is delivered in a timely manner over time. This also links to ongoing IDP and ITS processes, which will review and amend infrastructure requirements going forward. The significant evidence base for Lidsing provides a solid foundation of known infrastructure requirements, the ultimate cost and timings of which will change over the lifetime of this strategic project. Accordingly, and consistent with the approach described above for Heathlands, it would not be practical or necessary for soundness for a strategic policy to set out extensive detail on infrastructure planning for a 30 year project. Nonetheless, as submitted, the policy lacks sufficient content on overarching phasing and related infrastructure dependencies, some of which has now become clearer as further technical evidence has been prepared. As such a MM is necessary to add additional content on phasing and delivery in the policy.
154. In terms of creating a sustainable community, the Lidsing proposal would benefit from close proximity to existing services and facilities within the adjacent areas of Medway. This includes local services and employment in Lordswood to the west. The site is also adjacent to the Hempstead Valley Shopping Centre to the east. These would be within walking distance of large parts of the Lidsing site and cycling distance from within the whole site. Moreover, Hempstead Valley Shopping Centre benefits from a regular bus service connecting into the wider Medway Towns. Similarly, there are existing bus services circulating through Lordswood and along Wigmore Road. Accordingly, opportunities exist to extend bus services into and through the Lidsing development, including through to Maidstone. This would not only serve the new community but has the potential public benefit to significantly enhance public transport connectivity for existing communities.
155. In creating a sustainable community at Lidsing, it is inevitable that the residents would look to services and facilities in Medway. The IDP³⁶ and ITS underpinning the Plan reflect this, including revisions during the examination process. As submitted the policy for Lidsing recognises this, including in respect of secondary education capacity and transport connections.
156. The vast majority of the Lidsing site is urban fringe arable farmland. It is a relatively open landscape at a point where the southern end of the Capstone

³⁶ See IDP Infrastructure Delivery Schedule (pages 43-46) and projects HTY15, HTY17-19 inclusive, Projects HTY20 and the specifics at HTY20A-G (including schemes in Medway), EDLPR5, EDLPR6 (c.£4.7million for secondary education in Medway), HPLR3, HPLPR4 (c.£2.5million for Medway Maritime Hospital), SCLPR2, SCRLPR3 (libraries in Medway), SCLPR5, PSLPR5 and GBLPR1 (c.£6.5million to Medway for open space and formal sport provision).

Valley gently plateaus before moderately rising as part of the lower dip slope to the Kent North Downs. This dip slope becomes a more pronounced landscape feature to the south of the M2 and Bredhurst. Large parts of the site have a relatively weak landscape framework, including the large open arable field within the KDNL part of the allocation. Mature trees are generally located towards the peripheries of the site. In large parts of the site, the rural character is extensively eroded by significant volumes of local traffic, the proximity of existing urban settlement and the M2 motorway. Other than the land required to facilitate highway access the site is outside of the KDNL. Overall, the landscape harm outside of the KDNL would be limited and localised.

157. As part of the MMs consulted on it was recommended to delete a specific reference to the provision of 31ha of natural/semi natural open space as part of the open space requirements for the site. On reflection, I am reinstating the figure, given the clear vision³⁷ for Lidsing as an exemplar garden development. I accept the figures are necessarily indicative given it is a strategic policy for a long-term development. Consequently, I am recommending some additional text to part 5d) of the policy to reflect this, and this would be necessary for effectiveness. On the large 20ha open arable field within the KDNL, required for highways access, the remaining balance of land (19ha) is proposed for habitat creation. Further environmental assessment work as part of masterplanning and planning application(s) will determine local mitigation where required in accordance with other policies of the Plan.
158. There are various protected habitats within the vicinity of the site, including the North Downs Woodland SAC to the south and the Medway Estuary and Marshes SPA and Ramsar site to the north. Accordingly, the allocation policy has been assessed as part of the HRA. I deal with the Woodlands SAC below because it is integrally linked to transport. In terms of the Medway Estuary and Marshes SPA and Ramsar, future occupants of the proposed dwellings are likely to add to recreational pressure on this habitat and as such, without mitigation, the integrity of the site would be adversely impacted. The submitted policy requires the Lidsing proposal to make a financial contribution to an existing mitigation scheme and on this basis the HRA has been able to conclude positively that there would be no adverse impact on this habitat.
159. In terms of the historic environment there are various heritage assets on the site and in its vicinity. There would be the issue of additional traffic generated by the Lidsing proposal passing through the Boxley Village Conservation Area. Having regard to the SA³⁸ any harm to the significance of heritage assets from the principle of allocating the site in the Plan would be less than substantial and outweighed by the public benefit of delivering much needed new homes in a

³⁷ LPR1.97 (page 83) refers to the 31ha figure

³⁸ Submission SA report LPRSUB002a paragraphs 7.156-7.157

sustainable location. Additional policy content is required to reflect the presence of heritage assets.

160. The potential highways implications arising from the Lidsing proposal have been a significant issue. This is in relation to impacts on the wider strategic road network (the M2), connectivity into Medway and localised impacts for rural communities between Medway and Maidstone (Boxley and Bredhurst). The submitted plan was accompanied by strategic transport modelling. A significant volume of additional transport assessment work for Lidsing has been provided.
161. The Lidsing development would be principally accessed from the M2 strategic road network. The proposed approach would require an improved connection to the adjacent M2 Junction 4, immediately to the east of the proposed allocation. Various constraints mean the proposed allocation cannot connect to the existing Junction 4 via Hoath Way. The identified solution would be to create a new fourth arm at the junction. This would require replacing the existing Maidstone Road overbridge with a new realigned bridge and a new arc of approach road to the south of the existing junction. This new approach road, including embanking and lighting, would be within the KDNL.
162. I address the KDNL issue below and deal here with the acceptability of what is proposed at M2 Junction 4. Initial assessment work has appropriately considered various options to connect to the M2, including a “do nothing” scenario and a free-flow three arm junction at Junction 4. Neither of these options are reasonable given constraints elsewhere in the local road network within Medway. In terms of alternative means to access the M2 consideration has been given to the Plan's proposed new arm to existing Junction 4 and a new junction altogether. There are cogent reasons, including securing a new east-west link through the site, that support the identification of connecting into Junction 4 as the approach to be preferred.
163. The technical work shows the connection into Junction 4 to be feasible. It would reconfigure the existing Maidstone Road connection between Bredhurst and Hempstead and involve a replacement overbridge. In principle, National Highways do not object to the proposed approach at Junction 4, although it will clearly require further work. In addition to the new junction arm, associated measures to improve capacity at the junction, through the options of lane markings and part signalisation have been identified (set out in ED53c). Overall, the requirement of the policy for a new connection to the M2 at Junction 4 is justified. MMs, however, would be necessary for effectiveness to indicatively identify when it would be required.
164. In addition, National Highways have also sought confirmation that identified impacts on Junction 3 of the M2 are also considered at this strategic level of plan making. Whilst modelling had identified impacts on the M2 Junction 3

arising from growth in the Plan, the issue by the time of the MMs consultation had been picked up in the IDP (Project HTLPRJ3) and as part of a specific modification for the Lidsing policy in terms of further assessment of off-site highway mitigations. This is in addition to the IDP separately identifying the A229 corridor (Blue Bell Hill) between the M20 (Junction 6) and M2 (Junction 3) in respect of Borough-wide growth (Project HTLPRJ4). In relation to this latter project, KCC are advancing a major scheme for improvements to the A229 Blue Bell Hill corridor including at M2 Junction 3.

165. I recognise the Council's latest evidence [ED135] creates some potential tension between identifying a specific local scheme for the Plan's growth as opposed to the approach of a strategic solution to Junction 3 and the A229 corridor now being advanced by KCC. However, the evidence now being presented seeks to reassure National Highways that Plan growth can be mitigated in respect of the strategic road network. I do not consider it undermines the case for a more advantageous strategic solution as advanced by KCC. I do, however, consider that where the Plan identifies specific highway mitigation to support the Plan's growth that capacity at M2 Junction 3 be added to this list. As it was already identified in **MM16** in relation to the Lidsing policy and in the IDP I do not consider making a further specific amendment to **MM51** in relation to Junction 3 would be prejudicial. No MMs are necessary as a consequence of the further evidence on M2 Junction 3 to Policy LPRSP13 as this identifies that any infrastructure requirements in site specific policy are not an exhaustive list.
166. In terms of local access and highways at Lidsing there is a clear transport strategy to deliver an east-west highway link through the site and to encourage modal shift. As such it has been appropriate that high-level transport assessment work for Lidsing has taken account of these two factors. It is evident that appreciable volumes of traffic are unsatisfactorily using the network of lanes across the Lidsing site to travel east-west, to the detriment of more sustainable forms of travel. As such the Lidsing proposal presents a strategic opportunity to establish improved connectivity (for various modes) between areas of the Medway towns, which should be regarded as a clear benefit.
167. The obvious solution for a cross-site link at Lordswood would be to connect into North Dane Way, which is already laid out at Albemarle Road to continue south-east into the Lidsing location. This would require land not in the control of the site promoter to make the connection. The land is controlled by Medway Council who have determined previously not to dispose of the land in order to protect the area. This matter is regarded by those opposed to Lidsing as key to the soundness of the proposal. At this stage, I disagree for two reasons. Firstly, other major development has already been approved in the vicinity of North Dane Way. If the Lidsing Garden Community proposal is added to this,

particularly in combination with the adjacent Gibraltar Farm scheme³⁹ (in Medway), the potential benefits of North Dane Way, particularly for bus circulation, should not be disregarded. Secondly, whilst sub-optimal, other options for an east-west link may exist via an upgraded Ham Lane and the Gibraltar Farm scheme⁴⁰. As such it remains justified that the Lidsing proposal seeks to deliver the clear benefit of a new east-west link across the site.

168. The Transport Assessment work in ED53(a)-(c)⁴¹, identifies a potential number of off-site junctions in Medway that would require improvement as a consequence of traffic generation arising from the proposed allocation. This has been considered further in a technical note on indicative phasing and mitigation⁴². Details on the practical delivery of off-site improvements would be more appropriately addressed through the SPD, masterplanning and attendant transport assessment processes. I do, however, consider it necessary for soundness that the policy for Lidsing is clear that off-site highway improvements will be necessary, including in the Medway area. This would align with evidence in the IDS and ITS. Accordingly, MMs are required which I set out below.
169. Whilst there is an emphasis on encouraging containment in Lidsing in line with the garden community principles, transport modelling shows additional vehicle trips towards Maidstone. However, the implementation of an east-west link through the scheme is shown to have an appreciable effect in re-distributing traffic away from Boxley to the enhanced access at M2 Junction 4. Nonetheless, the route via Boxley provides the most direct link to the northern edge of Maidstone, rather than the better standard of the A229. In this regard I share the concerns of local Parish Councils and KCC regarding the need for mitigation. The issue of this traffic assignment also aligns with the impact on protected woodland habitat between the Lidsing development and Boxley. As such there are two clear reasons to deter and manage traffic south of the site.
170. The proposed approach for Lidsing must start from the point of encouraging modal shift in terms of its location, comprehensive mixed-use development and the potential of bus, cycle and walking. This has been analysed through the Transport Assessment and subject to further detailed work on bus routes and wider site connectivity for pedestrians and cyclists. At a high-level, modelling work (using either KCCs VISUM or Medway's AIMSUN strategic models) shows that an east-west link through the site will re-assign some off-site traffic from the local road network. This is likely to be the case for Bredhurst given an east-west link would be a more attractive route than the current arrangement.

³⁹ Principle allowed on appeal March 2017.

⁴⁰ LPR1.97 page 51 and LPR1.109 (paragraph 3.3.6) and sensitivity tested in ED53 Lidsing Transport Assessment

⁴¹ Following the scoping presented in ED4F

⁴² ED93 Technical Note - March 2023

171. Whilst I appreciate local communities will want to know specific interventions at this stage that would not be reasonable or necessary for plan soundness for a strategic policy. What is evident from the transport evidence for Lidsing (and indeed wider growth) is that deterrence measures are likely to be required in both Bredhurst and within the development that will discourage the number of movements south towards Boxley such that the alternative routes would be preferred. This would need to be the subject of more detailed work. Supporting interventions have been considered at a level proportionate to plan-making as part of the further assessment work. At a high level the possible interventions include internal road layout design within the development, measures within Bredhurst and possible intervention at the Forge Lane bridge. It would be premature to contain specificity on the interventions in the strategic policy and so it would be sufficient for soundness to modify the policy to confirm that a transport assessment will consider mitigations in Bredhurst and Boxley as set out in **MM16**.
172. Deterrence is also going to be required as part of the strategy to address air quality on qualifying features of the North Downs Woodland SAC, as set out above in the HRA being able to arrive at a positive conclusion. The mitigation strategy identified as part of the HRA will include, amongst other things, traffic calming to discourage access/egress via Boxley and Bredhurst, green travel planning and modal shift at the Lidsing development, layouts that discourage access via Boxley and softer measures such as signage strategies. Consequently, in order for the plan to comply with the Habitats Regulations and to be justified, effective and consistent with national planning policy with regards to actively managing patterns of growth and mitigating impacts on the road network to an acceptable degree significant additional content needs to be added to the Plan in respect of Lidsing. I set this out below in the recommended MMs.
173. Clearly, Natural England will have a role in advising on an effective mitigation at the project level. Given the issue relates to traffic and mitigation will also likely involve highway interventions, I have amended the wording of **MM16** to include an additional reference to the input of the highway authorities, where relevant. I consider this further modest change, post the MM consultation, is necessary for effectiveness.
174. The proposed housing and employment development at Lidsing would be outside of but within the setting of the dip slope of the Kent Downs. As set out above, the highway connection to the M2 would require land within the KDNL. The NPPF at paragraph 176 states that the scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

175. The proposed highway within the KDNL requires approximately 1ha of land and would involve a length of new single carriageway spur, elevated on an embankment to cross over the M2 via a new over-bridge and with various lighting columns and signage. Having regard to the proposed nature and scale of the development and its potential to adversely impact the purpose of the KDNL the proposed scale of the highway works would amount to major development.
176. There is a need for a direct connection to the M2 to serve the allocation and avoid harm to the surrounding road network. Whilst some early development may be feasible without it, later phases of the housing as well as the employment development will require the link. More widely, an east-west link through the site, has the potential to offer appreciable transport benefits including for bus circulation between existing communities in the Medway Towns.
177. In terms of the scope for connections to the M2 to avoid the KDNL, this is challenging as the M2 forms the boundary to the KDNL. Other options to accommodate a connection to the M2 have been explored and appropriately considered in LPR5.6, ED21 and ED53⁴³. Alternative options, including those that would also require land within the KDNL, have been appropriately discounted. In terms of detrimental effect to the KDNL, I find the large, generally featureless 20ha arable field within which the proposed highway works would be accommodated has relatively few key landscape characteristics of the KDNL. There are no public footpaths across it and only very limited biodiversity value. Current traffic noise from the adjacent M2 means this is not a tranquil location.
178. Of the 20ha host field, approximately 19ha would be available for landscaping, biodiversity and appropriate public access. As such the harm would be significantly moderated. I do consider, however, a MM to part 3 of LPRSP4(b) is necessary to ensure that the 19ha is clearly secured for the intended mitigation and subsequently reflected in the SPD and masterplanning processes⁴⁴.
179. Overall, I consider there is a reasonable prospect that planning permission would be granted having regard to the test of exceptional circumstances and the public interest considerations, in the terms set out at NPPF paragraph 177 a)-c).
180. The allocation is immediately to the north of the KDNL and within its setting. The policy as submitted seeks to address the impact, but it would be broad-brush and therefore not effective in terms of securing necessary mitigation.

⁴³ Strategic Road Network Access – Options Appraisal

⁴⁴ As shown, indicatively, at Appendix 7 to ED68

Accordingly, significant MMs are required for effectiveness and to ensure consistency with national planning policy at NPPF paragraphs 174 and 176.

181. The policies of the Plan, including for Lidsing, have been assessed as part of plan-wide viability work and then further as part of addendum for strategic sites to take account of proposed MMs. For Lidsing, the vision is to create an attractive, exemplar community which would have appeal and value. Additionally, the proximity to the M2 will generate commercial value for the proposed employment uses. The site would have significant infrastructure costs, notably the improved access to the M2 including replacement of an existing overbridge. Approximately £12million has been ascribed to this⁴⁵.
182. Lidsing at present values would be a £737million development. The latest viability assessment for the Plan shows that the development would be viable based on 40% affordable housing and some £77.6million for infrastructure. There is a clearer viability for Lidsing, compared to Heathlands, such that it would require notable decreases in values or increases in costs to render the scheme unviable. I note that some infrastructure costs for Lidsing are disputed, including with Medway Council, but further work will be required to determine specific costs. As set out elsewhere, the viability assessment for the Plan has taken a cautious approach on factors such as build costs that would provide some contingency to be balanced against increases in infrastructure costs. There is little to persuade me that the viability situation at Lidsing is so tight that this strategic site should be removed from the Plan on deliverability grounds. The viability assessment of Lidsing assumes no external funding. As set out above in relation to Heathlands, this is a long-term strategic project, where costs and values will flux over time. In accordance with the PPG, if fundamental delivery issues arise, this would be a matter for Plan review.
183. As submitted the Plan considers that Lidsing would start delivering first completions in 2027/28, immediately ramping up to 130 units per annum. I find the date for initial completions optimistic by at least a year given the various stages that follow plan adoption. A more realistic scenario would also see an incremental delivery profile in the first two years resulting in a maximum annual output at 130dpa thereafter. As such, this feeds into my separate conclusion below in Issue 7 that the overall housing trajectory in the Plan needs to be stepped.
184. In summary, for the various reasons set out above, the detail of the submitted Lidsing Policy LPRSP4(b) is not sound. Accordingly, MMs are required for plan soundness.
185. Additional text is required in the introduction to the policy setting out the need for AA as part of the HRA and the broad mitigation strategy required, including

⁴⁵ IDP Project NTY15 at £12,058,000.

for Lidsing. In addition to further transport modelling work, this would include a comprehensive, but not exhaustive, list of measures that could be deployed either alone in combination to comprise an effective mitigation strategy. This part of the modification is necessary to ensure a positive HRA outcome for this plan but also for effectiveness and consistency with national planning policy at NPPF paragraphs 174a), 175, 179 and 180.

186. Additional detail in the submitted policy is needed to ensure that impacts on the KDNL are appropriately mitigated. This includes further parameters for the strategic landscaping required, details on the scale and design of commercial development, the requirement for a detailed Landscape and Visual Impact Assessment as part of the progression to an SPD and generally lower densities of housing at the southern parts of the site. Allied to this additional policy content is needed to ensure that the 19ha of mitigatory landscaping south of the M2 is secured and factored into the SPD and masterplan. This are all necessary for effectiveness and consistency with national planning policy at NPPF paragraph 176. I have also recommended that additional text is added to the policy to reference the need for appropriate buffering to any ancient woodland and/or veteran trees within the vicinity of the allocated site. This would ensure consistency with NPPF paragraph 180c).
187. The addition of a new comprehensive table at part 1 of the policy on phasing and delivery is necessary. The table would set out for each 5 year phase the likely infrastructure dependencies and how they relate to the scale and progress of development. This would reflect the IDP and further detailed evidence during the examination that has reinforced the deliverability of the proposal subject to necessary mitigations. All of this is necessary within the policy to ensure that the Plan would be effective and consistent with national planning policy regarding national landscapes (NPPF paragraph 174), delivering sustainable larger scale development (NPPF paragraph 73b), c) & d)), managing sustainable patterns of growth (NPPF paragraph 105), facilitating modal shift (NPPF paragraph 106) and avoiding severe residual cumulative impacts on the road network (NPPF paragraph 111).
188. To provide further clarity on delivery and assist the masterplanning process, a Masterplan vision framework plan should be set out alongside the policy and referred to in part 3 of the policy. This would ensure the policy would be effective and consistent with NPPF paragraphs 73c) and 127. Although I do not recommend it for soundness, the diagram would benefit from a key to assist implementation of the plan.
189. Significant additional text is required to part 6 of the Policy including a requirement to submit a 'Monitor and Manage Strategy' for transport infrastructure in line with the 'vision and validate' approach in DfT Circular 01/22 and to be agreed in consultation with National Highways and KCC. I have slightly amended the wording of this part of the MM to clarify that the

implementation of the 'Monitor and Manage Strategy' will be agreed by the Local Planning Authority in consultation with National Highways and KCC Highways, to ensure further effectiveness. Confirmation that off-site highway mitigations in Boxley, Bredhurst, the A229 and A249 corridors, the M2 Junction 3 and at locations within Medway, are all necessary. That they will be subject to further assessment including through the 'monitor and manage' approach. In this regard, and following the consultation on the MMs, I have sought to strengthen the requirement that further transport assessment must be undertaken prior to the submission of any initial planning application and not just at the SPD process. I have also sought to make clear that such assessment work must consider the impacts on Bredhurst and Boxley as well as other locations identified, including in the IDP. These modifications would be necessary so that the plan is justified, effective and consistent with NPPF paragraphs 104, 105, 106, 110 and 111.

190. The policy needs to be modified to clarify that a medical facility could be included as part of a new Local Centre within the development, consistent with the IDP⁴⁶. This part of the modification is necessary for effectiveness.
191. A revised trajectory for housing delivery, amending first delivery from approximately 2027 to 2028 to reflect more realistic lead-in times is necessary. Additionally, revising the capacity of the site to be delivered within the revised plan period of 2038 from 1,300 to 1,340 homes is required. Additionally, clarifying within the policy that 40% affordable housing would be the target is also needed. These modifications would ensure the policy would be justified and consistent with NPPF paragraphs 68, 73d) and 74.
192. All of the above MMs are presented in **MM16** which I recommend so that the plan in relation to the strategic policy framework for Lidsing is justified, positively prepared, consistent with national planning policy and effective.

Conclusion on Issue 2

193. Subject to the MMs identified above the Plan's strategic policies for the Garden Settlements would be sound.

Issue 3 – Whether the policies for the proposed strategic development locations would be justified, effective and consistent with national planning policy?

⁴⁶ Project HPLPR2

Invicta Park Barracks Strategic Development Location

194. The submitted Plan at Policy LPRSP5(b) provides a degree of continuity from Policy H2(2) in the 2017 Local Plan. Whilst there are appreciable areas of environmental and heritage sensitivity within the site, it would be untenable, in the context of the substantial housing need, not to continue to consider the development potential of the wider 46.75ha site. This includes the large areas of workshops, hardstanding, ancillary buildings, sports pitches and residential accommodation. The site occupies a highly sustainable location close to the town centre.
195. The evidence⁴⁷ for this Plan is that the Ministry of Defence have confirmed whole site disposal by 2029 (with some scope for earlier small land parcel release). As submitted, the Plan's content regarding delivery is not justified. **MM21** would clarify when the site would come forward and I recommend it for effectiveness.
196. In terms of the potential capacity of the site, there are a number of constraints that will inform this, not least the Grade II* Listed Park House and Walled Garden and their settings, the high-quality sylvan parkland environment through the heart of the site, the other areas of woodland within the site and the undulating topography. Wildlife corridors exist within and around the site and their retention and enhancement will further influence the final development capacity. As such it is justified that the policy requires the allocation to progress through an SPD and masterplanning.
197. The significant volume of technical evidence⁴⁸ appropriately demonstrates the reasonableness of a capacity of some 1,300 homes as an efficient use of the site in accordance with NPPF paragraphs 119 and 124 d) and e). This evidence has appropriately considered the potential of higher density development (at appropriate height and massing) in the lower south-west part of the site close to the Springfield Park development. However, other developable parts of the site are clearly going to need a design approach that limits any harm to the heritage significance of the assets and preserves as much of the areas of high-quality sylvan character as possible. As I address below, the site should also be positively considered for accommodating other land uses, including potentially a new through school, which could further affect the housing capacity of the site. Consequently, achieving 1,300 homes across the likely net developable area of the site would still require an ambitious net average density⁴⁹. Overall, the SLAA is justified in anticipating some 1,300 homes on the site.

⁴⁷ LPR5.8 Invicta Barracks Vision Document and Roadmap 2022

⁴⁸ Documents LPR5.9-5.19 comprising 11 technical notes and the indicative masterplanning in LPR5.8

⁴⁹ ED128 Viability Assessment Addendum predicated on net average density of 66dph (para 1.7, p6), broadly consistent with average density of 60dph in Vision & Roadmap document LPR5.8

198. The policy as submitted required the demolition of Nos.1-8 The Crescent which are spaciouly set good quality semi-detached houses a short distance to the north of Park House. There appears to be little justification for this policy requirement and so it should be deleted so that the Plan would be justified. Development on the site will alter the setting of Park House but it would generally involve removing unsympathetic utilitarian buildings due to the long-standing military use of the site. The moderate densification required to achieve the housing numbers would result in some harm to the wider setting of Park House, but this would be less than substantial and very much at the lower end of any such spectrum of harm. Applying the balance in the NPPF, the significant public benefits of housing in a highly sustainable location would outweigh the identified heritage harm for the purposes of plan making.
199. As submitted the policy refers to “up to 1,300 dwellings”. To ensure the plan is positively prepared, I recommend a MM that the 1,300 homes should be expressed with some flexibility so as not to inhibit the potential for additional modest supply should that be supported by more detailed analysis through masterplanning and at the planning application stage.
200. Allied to this I also recommend as part of the MM that the policy is accompanied by a conceptual framework diagram which identifies the known constraints. This would provide a high-level plan from which to develop a detailed SPD development brief and masterplan for the site. The framework diagram reflects the technical evidence submitted and so I recommend its inclusion for effectiveness.
201. As submitted the plan refers to development on the site providing “requisite community facilities”, including a new through-school, “where proven necessary and in conjunction with housing.” As a starting point, I consider it positive that during plan-making, the potential of new secondary school provision on the site, which would be primarily for the wider needs of the town, is included in the allocated policy.
202. The KCC pupil forecasts should be taken as a reasonably reliable starting point. However, they are forecasts (which can change) and as such I consider it prudent and justified that the policy identifies that the matter of secondary school provision should be kept under review. If the KCC forecasts (which presently show a steady, cumulative growth in pupil numbers over the plan period) remain robust and no alternative school capacity has been provided or identified elsewhere within urban Maidstone, then the SPD and masterplanning process must not disengage from identifying land for a secondary school (including the potential to deliver a new through school on the site) as identified as part of the first phase.

203. KCC advise that additional secondary school capacity for the wider Maidstone urban area is required by 2027. However, the main disposal of the Invicta site would be in 2029, with further site preparation work, agreements and planning applications thereafter. The alternative, which KCC refer to, would be the allocation of an alternative site for a secondary school in this Plan. That would require a call for sites for land for a new school with no guarantee that a suitable site would be presented. For this Plan, the Invicta Park Barracks site is the only reasonable development site option with the potential to provide land for a new through-school in the Maidstone Urban Area. It would do so in a highly sustainable location. Overall, the need and timing of any school provision is likely to be the subject of further work and scrutiny, including as part of the SPD.
204. The proposed conceptual framework diagram for the site shows undulating land currently occupied by service personnel housing, a play area and woodland being zoned for the school site. KCC consider the site challenging to deliver a new secondary school and that the costs identified in the IDP⁵⁰ (c.£36 million) are an under-estimate, resulting in a prejudicial financial burden and potential wider viability issues⁵¹.
205. In terms of the proposed area of land shown for a school, this would be a starting point and further masterplanning would be required for the wider site. In land use terms, the location makes strategic sense for school provision, being located adjacent to the existing North Borough Junior School and towards the south-west of the site where access to the wider town and to the town centre (including trains and buses) would be better. Overall, I consider there are benefits to what is proposed that would need to be carefully balanced against potentially higher implementation costs. It would be premature to conclude the indicative area for the new school is undeliverable or unviable prior to masterplanning work. Based on the evidence, including the IDP, the need for a school, stems primarily from the wider catchment population. The Invicta Park site would only need to make a proportionate contribution. The IDP recognises that funding is likely to be a blend of Basic Need Grant from the government, prudential borrowing from KCC and S106/CIL monies collected on other developments within the wider Maidstone area.
206. Accordingly, I consider a suitably worded MM would be necessary to clarify the support in-principle for the delivery of school infrastructure at this location, whilst giving suitable flexibility for alternative uses should the school use no longer be required. In terms of the clarity, the policy should be modified to reference an 8 Form Entry (FE) through school comprising of 2FE primary and 6FE secondary. The need should be caveated as being subject to review of future educational

⁵⁰ Project EDM9

⁵¹ Latest KCC high level costs estimates at February 2024 are £48-60million, across 3 cost scenarios, including risk allowance (10-15%) and compound inflation @ 26%.

need and an ongoing assessment of whether there are other sites in or around the town centre that could have scope to accommodate some or all of the need.

207. The strategic plan-wide viability assessment addendum for the Invicta Park site, applying 2023 costs, makes an allowance of approximately £14million for planning obligations and assumes no affordable housing. There will also be significant costs for site clearance and remediation. As a publicly owned site, there is also an imperative to maximise the capital receipt. Consequently, the viability assessment, whilst finding the site viable, does so only on the basis of a marginally positive residual land value. Modest changes in build rates or sales values would be challenging for the development. Additionally, given the constraints at the site, there is limited scope to increase the number of units to add further value. Whilst the viability is only marginally positive, that is not reason alone, to remove what is otherwise a highly sustainable development site from the Plan. The Borough Council will need to monitor the situation, including any external funding opportunities for strategic brownfield sites⁵², where they have the advantage of being positively allocated in an up-to-date plan.
208. As submitted, the policy sets out a relatively broad approach to infrastructure on the site, which I consider would not be effective, justified or positively prepared. Ongoing work with the Defence Infrastructure Organisation and with infrastructure providers, including through the IDP, means there is evidence to inform a new table to be inserted into the policy, outlining a phased approach with indicative infrastructure delivery linked to development.
209. Further transport modelling work on the impacts of the Invicta Park Barracks development on the strategic and local road network has been undertaken during the examination and presented in a technical note⁵³. The outputs of this are now reflected in the latest IDP⁵⁴ and are consistent with a main access from the A229 Royal Engineers Road and a secondary access from Sandling Lane. The additional evidence shows that part-signalisation of the A229 roundabout would allow for capacity in 2037 for both development traffic and background growth, assuming restricted access via Sandling Lane.
210. Similar to other strategic developments in the Plan I consider a MM is necessary to require the submission of a 'Vision and Validate' strategy, based on DfT Circular 01/22, as part of a 'monitor and manage' approach and for KCC to have a key role in this process. Ultimately, the phasing in the MM is necessarily 'indicative' but it identifies off-site highway works to the A229 in phase 2 (2032) after pedestrian/cycle connections to the town centre and bus

⁵² Indicated at paragraph 3.10 of ED63

⁵³ Traffic Modelling and Access Junction Review Update – WSP April 2023 [ED96]

⁵⁴ Projects NYT21 and 21a

services as part of phase 1. Overall, I find with the MMs in place, the strategic policy for the site would be consistent with NPPF paragraphs 106, 110 and 111.

211. Given the identification of the Invicta Park Barracks site as a strategic development location, it is anomalous that Policy LPRSP2, which sets out a strategic policy for the Maidstone Urban Area, makes no reference to the largest single planned development in the town. **MM11** would rectify this so there is transparency for decision makers and other users of the Plan (infrastructure providers) on the totality of what the Plan is proposing within the urban area. Consequently, I recommend the MM for effectiveness.
212. It is justified that the housing trajectory makes an allowance for early on-site delivery of 50 units in 2027, stepping up to an annual output of 150dpa from 2032/33 for the remainder of the Plan period. This is appropriately reflected in the revised housing trajectory presented as per the MMs.
213. In summary for the Invicta Park Barracks site, I recommend the following modifications as being necessary for Plan soundness for the reasons set out above.
- i. The site capacity is identified as a target of 1300 homes, and not a limit.
 - ii. Significant additional policy content in part 1 of the policy on indicative phasing and infrastructure dependencies over the Plan period. I have further amended the highway requirements in phase 2, having further regard to the evidence that the existing capacity issues on the A229 should be mitigated and the Invicta Park development would not be wholly responsible for these improvements.
 - iii. A commitment in the policy to a 'Vision and Validate' approach to transport assessment so that any required off-site highways infrastructure is demonstrably necessary as part of a 'monitor and manage' approach. I have slightly amended the wording of this part of the MM to clarify that the implementation of the 'Monitor and Manage Strategy' will be agreed by the Local Planning Authority in consultation with National Highways and KCC Highways, to ensure effectiveness.
 - iv. Clarity that biodiversity net gain would be secured in accordance with the relevant strategic policy of the Plan.
 - v. Clarity that when preparing the SPD attention will be given to the military heritage of the site and delete unjustified references to removing existing dwellings at 1-8 The Crescent to enhance/restore the parkland setting.

- vi. A clear policy commitment to retain a Hindu place of worship as part of the redevelopment.
- vii. Further specificity on the educational infrastructure that could be accommodated on the site, within the context of ongoing review of need and assessment of other sites to accommodate some or all of the need. I have amended the indicative infrastructure and phasing table to clarify that new through school provision in Phase 3 is subject to future need being established, which would be internally consistent with modified criterion 13 of the policy.

214. **MM22** would make these changes to the submitted strategic policy for the site and I recommend the modifications for the reasons given. I have slightly amended **MM22** to reference Annington who have an interest in the site and a role in bringing it forward. In addition, an indicative framework diagram within the Plan alongside the policy would be necessary for effectiveness to guide the SPD and masterplanning processes. **MM23** would do this, and I recommend it accordingly. **MM17** would modify Policy LPRSP5 in clarifying the target of 1300 homes at this site for effectiveness.

Leeds-Langley Corridor (Policy LPRSP5(a))

215. As set out above under Issue 1 I have found the approach to this location as part of a spatial strategy not to be sound in terms of putting a marker down for a broad location for strategic growth as part of this Plan.

216. I am mindful that a relief road has been a long-held objective through successive plan documents, reflecting considerable local support from those rural communities east of Maidstone that are adversely affected by current traffic flows on the B2163. As submitted Policy LPRSP5(a) sought to safeguard an extensive area of land to protect the potential of delivery a relief road. I find little justification that land should be safeguarded to provide confidence or certainty for landowners to invest in promoting an allocation as part of a future round of plan-making. I note that there are relatively few alignments available to achieve a connection for the relief road from the A274 to the M20/A20. However, Policy LPRSP5(a) as submitted attempts to cover too many bases, including pre-emptively seeking financial contributions towards the road, the basis of which is likely to be challenging in the context of the tests in the CIL Regulations. Furthermore, it is not clear how small-scale proposals within the widely drawn safeguarding area would be assessed. This would be contrary to paragraph 16 of the NPPF.

217. In conclusion, I find it necessary for plan soundness that the need for safeguarding a road corridor at Leeds-Langley is removed from the Plan and Policy LPRSP5(a) is deleted. The Policies Map would also need amending accordingly, as consulted alongside the proposed MMs. **MM17** would modify

Policy LPRSP5 accordingly, and **MM18**, **MM19** and **MM20** would remove the necessary supporting text, Policy LPRSP5(a) and the diagram of the safeguarding area from the Plan respectively. These MMs are all necessary so that the Plan would be justified, effective and consistent with national planning policy.

218. The option of development at Leeds Langley remains a matter for the Council when preparing future development plan documents, alongside other potential strategic development choices. The technical work to date on options for a potential route alignment for the road is not invalidated by my conclusions on this matter. Policy LPRSP13 of the Plan deals with infrastructure delivery and having investigated the strategic business case for a Leeds-Langley relief road, it is understandable that the Council would still wish to examine how such infrastructure could be delivered and to make this a statement of strategic intent. Accordingly, I recommend additional text within Policy LPRSP13 and supporting text in **MM56** and **MM55** respectively, for effectiveness.

Lenham Broad Location

219. The Lenham Neighbourhood Plan was made in July 2021, making provision for a supply of 998 homes on allocated sites as of 1 April 2022. Nonetheless, it remains justified and positively prepared that the Plan continues to identify Lenham as a broad location for housing growth. The LBL growth, as with the nearby Lenham Heathlands proposal, has the potential to impact on the setting of the KDNL. Additionally, it is necessary to add to the strategic LBL policy the need for this growth to come forward in a way which would preserve or enhance the character or appearance of the Lenham Conservation Area. As such, these omissions need to be reflected in submitted Strategic Policy LPRSP5(c). Accordingly, I recommend the additional criteria in **MM24** for consistency with national planning policy at NPPF paragraphs 176, 189 and 199 and for effectiveness. I have amended the wording in the MM in relation to impact on the KDNL to add the word "avoid" to further reflect NPPF paragraph 176.
220. Policy LPRSP5(c) should be amended so that it would be effective in ensuring that the development would not have an adverse effect on the integrity of Stodmarsh SAC/SPA/Ramsar site through waste water nutrient discharge. This issue was recognised late in the neighbourhood planning process but not necessarily positively addressed and so now needs to be embedded in this Plan. The issue of upgrading the existing Lenham WWTW is identified in the IDP (project UT9), which would be the responsibility of Southern Water. Further work is likely to be required to ensure that any capacity enhancements at Lenham WWTW discharge to the required standards for the Stour catchment. However, to expeditiously unlock development, it may be an option that capacity could be secured via the proposed solution of a private treatment plant at Lenham Heathlands. Consequently, I recommend **MM24** which would add necessary additional text to the policy on waste water treatment and maintaining

the integrity of Stodmarsh. The amendment to the Policy would be needed to ensure consistency with national planning policy and effectiveness but also to enable a positive HRA conclusion in respect of this strategic policy.

Conclusion on Issue 3

221. Subject to the MMs identified above, the policies for the proposed strategic development locations would be justified, effective and consistent with national planning policy.

Issue 4 – Whether the Plan's policies for employment land provision and economic growth are positively prepared, justified, effective and consistent with national planning policy.

Employment Land

222. In terms of meeting employment needs, the EDNS has appropriately considered the pipeline of supply including extant 2017 Local Plan allocations, sites with planning permission and the proposed sites in the submitted Plan, including the employment land provision at the two new garden settlements. Table 3.4 of the 2021 EDNS addendum shows as of February 2021 a pipeline of 237,430sqm. Even when removing the 41,023sqm assigned to Site LPRSA273 (Whetsted Road), there would remain a supply capable of yielding circa 196,500sqm. In terms of how the supply corresponds to the types of floorspace demand, remaining capacity at Newnham Park, on Maidstone town centre sites and mixed used developments elsewhere would meet the forecast demand for office floorspace. For industrial and warehousing, the evidence points to an adequate supply through a combination of existing sites and proposed allocations such that it would not be necessary for soundness to require the release of additional land.

223. The EDNS makes reasonable assumptions of employment land delivery at Lidsing and Heathlands during the plan period (50% at Lidsing and 35% at Heathlands). Whilst the market remains relatively untested at both locations, Lidsing would benefit from access to the M2 and Heathlands would be reasonably related to the M20. In the short to medium term, existing consented supply will accommodate most of the logistics and warehousing floorspace that is forecast over the total plan period. After this, the new garden settlement locations would provide reasonable options to maintain supply, particularly at Lidsing given its adjacency to the M2, with a lesser logistics role for employment at Heathlands. Overall, the Plan would provide sufficient flexibility to accommodate logistics and warehouse floorspace. If matters substantively change, the requirement to consider a plan review within a five year period, would be the appropriate mechanism.

224. The spatial strategy appropriately recognises that there are existing employment sites from the 2017 Local Plan that will have a strategic role to play in meeting the identified need for employment floorspace. This includes the Woodcut Farm development close to Junction 8 of the M20 (Bearsted), the Newnham Park site on the northern edge of Maidstone and the former Syngenta Works site near Yalding. At the time of the examination, the Woodcut Farm development was under construction and so it will provide for significant amount of new, high-quality employment floorspace in the short term. Additionally, the Newnham Park site is part implemented, with elements of key infrastructure in place, and will provide for further delivery in the plan period.
225. A large element of the employment land supply would be at the former Syngenta Works close to Yalding. The site was allocated in the 2017 Local Plan and now has planning permission. Construction work has now started on delivering a business park development. The site is reasonably well-located to the A228 which provides a good standard of road link to the M20 at Junction 4. The site is also directly adjacent to Yalding railway station. The Syngenta site is clearly being delivered, notwithstanding contamination and flood risk issues, and appropriately adds to flexibility of employment land supply, particularly in the short and medium phases of the plan period.
226. Overall, through a combination of extensive existing supply, capacity on town centre opportunity sites, existing parcels of land and allocated extensions at existing employment areas and significant new land releases as part of the garden settlements, the submitted plan would provide sufficient employment space in quantitative terms to meet the employment land requirement over the plan period. In addition to the EDNS, employment allocations have been subject to the SLAA. As such the Plan would be consistent with NPPF paragraphs 81, 82b) & d) and 83 having identified sites to meet anticipated needs over the plan period, providing a degree of flexibility and making provision for clusters (Kent Medical Campus) and storage and distribution uses in suitably accessible locations.
227. In terms of Policy LPRSS1 and the Spatial Strategy, the section on employment sites contains some out-of-date text that requires a small number of modifications. This includes a clearer reference to delivery at Woodcut Farm and to the continued build out of the Kent Medical Campus at Newnham Park. **MM7** would do this, and I recommend it so that the plan would be justified and effective.
228. In terms of creating new employment opportunities through the safeguarding of the existing portfolio of Economic Development Areas (EDAs), various modifications are required to Policy LPRSP11(A) in respect of key sites, in large part to reflect significant factual updates. **MM45** would significantly update the text applying to Woodcut Farm, recognising the permission now being implemented and so I recommend it for effectiveness. Similarly, it is necessary

to factually update Plan content in relation to the Syngenta site at Yalding. This would include restructured text recognising that the site is in Flood Zone 3a. **MM43** and **MM46** would address this and accordingly I recommend it for effectiveness. In light of the responses to the MM consultation I have amended the wording in **MM46** to make clear that the site is allocated for employment uses which are a 'less vulnerable use' and so not subject to the exceptions test.

229. Strategic Policy LPRSP11(B) sets out the employment sites that would be allocated through the Plan. In light of the above, various modifications would be necessary to the policy including part 1 of the policy being clear in terms of the employment site references carried forward from the 2017 Local Plan. Part 2 of the policy needs to be amended to include reference and floorspace figures for site LPRSA066 (Lodge Road, Staplehurst) and the commercial floorspace to come forward at site LPRSA362 (Maidstone Police HQ Site). These changes then need to be reflected in the summary table of employment and commercial sites. **MM48** would make the necessary changes to Policy LPRSP11(b) and **MM49** would modify the table, and I recommend both for effectiveness.
230. Policy LPRSP11(A) does not preclude the loss of employment land or premises within EDAs subject to criteria being met. Whilst no modifications are required to the categories of EDA set out in Table 11.1, additional text is required to Policy LPRSP11(A) to clarify the types of 'businesses uses' that would be supported on EDAs by reference to the distinction in Table 11.1 (those which are the more traditional, mixed use employment areas and those which are office developments (Class E(g))). Within the sites listed in Part 2, the Eclipse Park EDA, at the northern edge of Maidstone is evolving, including a predominant retail offer. As such a more flexible approach to Eclipse Park would be appropriate. **MM44** would make these changes to Policy LPRSP11(A) and I recommend the proposed modification so that the plan would be positively prepared and effective.
231. Tourism and leisure are an important part of the economy in the Borough, particularly in the rural areas. Consistent with NPPF paragraph 84c) the submitted Plan seeks to enable sustainable rural tourism and leisure developments which respect the character of the countryside. Submitted Policy LPRLTR2 would support holiday accommodation proposals subject to criteria. As submitted the Plan does not provide sufficient precision when it references the stationing of holiday lets and caravans. The submitted Plan intends the term 'holiday lets' to cover a myriad of alternative holiday accommodation forms. It would not mean holiday lets in the form of permanently constructed dwellings in the countryside, and this needs to be clarified. Additionally, the reference to caravans in the policy needs to be clear it applies to holiday accommodation and not for other purposes. **MM98** would make the necessary changes to both Policy LPRLTR2 and its supporting text for clarity and therefore effectiveness, and I recommend it accordingly.

Conclusion on Issue 4

232. In conclusion, subject to the above-mentioned MMs, the Plan's policies for employment land provision and economic growth would be positively prepared, justified, effective and consistent with national planning policy.

Issue 5 – Whether the site specific policies for housing / mixed-use allocations identified within and around the Maidstone Urban Area are sound?

Maidstone Town Centre

233. The Plan envisages a positive and significant role for Maidstone town centre, particularly for housing delivery, including a number of high profile previously-developed sites in need of regeneration. Some of these sites have been identified for redevelopment for some time, but they have been appropriately assessed through the SLAA process. It remains justified that the Plan positively identifies them in order to encourage action and investment, including through ongoing town centre strategy work.

234. Most of the town centre supply is appropriately profiled in the housing trajectory. Where there is less certainty about the timing of sites, they are clearly identified separately in Policy LPRSP1 as part of the 'Town Centre Broad Location', consistent with NPPF terminology at paragraph 68 b). The potential supply within the plan period from the Town Centre Broad Location needs to be modified in Policy LPRSP1 to be justified. This includes a significant net reduction from sites, including Lockmeadow, that need to be further assessed as part of the town centre strategy to provide a more robust figure of what may come forward later in the plan period (from 2033/34 onwards). Some of the other indicative site capacities need to be modified to reflect latest evidence and the extended plan period. This would be reflected in the modified housing trajectory recommended in Issue 7 below.

235. Policy LPRSA146 provides a positive framework to comprehensively bring forward the highly sustainably located Maidstone East site for a mix of uses including 500 homes. The submitted policy appropriately reflects the site context and seeks public realm enhancements onto the Sessions House Square and Week Street. With the detailed requirements for the site set out in Policy LPRSA146 I am satisfied that the proposed scale of development could be satisfactorily accommodated, on what is a large site including the significant under-used former Royal Mail sorting office buildings behind Cantium House.

236. The submitted policy for the site is expressed as providing for a minimum level of development, inferring potentially significantly more development could take place. Given the various requirements for the site and its context close to Listed buildings, the railway and the busy A229 Fairmeadow highway, it would be

necessary to replace 'minimum' with 'approximately'. **MM66** would do this, and I recommend it for effectiveness.

237. On the issue of the master-planned approach, the site may well need to come forward in a more flexible, phased manner, reflecting distinct land components of the site and ownerships. As such it would be necessary to remove the requirement for a whole site masterplan and to introduce text to confirm that any phased approach does not undermine the overall capacity of the wider site and consistency with the policy objectives for the site. Having regard to the objective of optimising delivery on the site, it is not justified, given the need for modal shift and the highly sustainable town centre location, for redevelopment of the site to specifically incorporate commuter car parking for Maidstone East station. In terms of access and transportation requirements for this site, it needs to be clarified that should car free development or reduced levels of parking come forward on the site then any contributions to support sustainable transport measures related to the development would need to meet the relevant tests. **MM67** presents the changes to reflect these various matters and I recommend it for effectiveness.
238. Maidstone Riverside is a significant area to the west of the town centre including the prominent Baltic Wharf site. Policy LPRSA148 provides a positive framework for the wider site and as submitted seeks approximately 650 homes as well as detailed floorspace figures for retail and employment uses. The retail and employment use requirements for the wider site require further consideration. As such it would not be justified to set precise floorspace figures as submitted and to require a suitable mix of uses for beneficial flexibility.
239. The wider site, including the active retail park parts of the site, will be considered as part of the town centre strategy work. The site comprises large single storey utilitarian buildings in non-food retail use with extensive surface car parking. In the context of adjacent and nearby high density residential and when experienced from within St Peter's Street, the Council's ambition to seek a more efficient use of a highly sustainable location is logical. Given that the allocation is in two component parts, separated by the intervening housing at Scotney Gardens, I consider additional flexibility is required within the policy to enable a phased approach, provided this does not prejudice the overarching policy requirements for the wider site. **MM68** would make the necessary changes and I recommend it for effectiveness.
240. In terms of other allocated sites in the town centre, the capacity at Maidstone West (LPRSA149) needs to be modified from 201 to 130 dwellings to reasonably reflect what could be delivered within the plan period on what is likely to be a longer-term site. **MM69** would make this amendment and I recommend it so that the Plan would be justified. To the south of the town centre the allocation at Mote Road is adjoined by various parts of the town centre gyratory road network. The need for improved pedestrian permeability to

the site would be justified. I therefore recommend **MM70** which would introduce an additional requirement in this regard, in order for the Plan to be effective.

241. The Plan identifies approximately 700sqm of main town centre uses coming forward on the King Street car park site (Site RMX1(3)). Only part of the site has been implemented and so the original requirement that the site could accommodate 1400sqm of commercial uses remains valid and the 700sqm figure is not justified. **MM10**, **MM47** and **MM48** would modify the plan at relevant places to reflect the justified figure of 1400sqm and I recommend these modifications accordingly.

242. In addition to the MMs recommended to the individual town centre site allocation policies above, I also recommend **MM10** which would make necessary changes to the indicative capacities of town centre sites in Policy LPRSP1. In this way the plan would be internally consistent and so justified and effective. The upshot of the various changes is that the overall housing capacity of the town centre sites would decrease from 3,059 dwellings to a figure of approximately 2,500 within the Plan period. This is reflected in the revised housing trajectory. Additionally, MM10 also contains an updated Maidstone Town Centre inset diagram which accompanies Policy LPRSP1 which would remove Site H1(20) on Upper Stone Street which has been completed.

Maidstone Urban Area

243. Policy LPRSP2 identifies key infrastructure requirements necessary to support sustainable growth in the town. In light of the latest transport and infrastructure evidence, improvements to the A229 Royal Engineers Way and Hermitage Lane need to be additionally identified. **MM11** would make these changes to the policy, and I recommend them so that the Plan would be justified and effective. The policy cross-referenced Policy LPRSP4. The reference in criterion 2 should be to Policy LPRSP1 and so I have amended the wording of **MM11** accordingly.

244. Figure 3.1 of the Plan accompanies Policy LPRSP3 as an inset diagram to show housing sites at the edge of Maidstone. The diagram needs to be modified to remove sites H1(21) and H1(1) which have now been completed and the full extent of allocated site LPRSA270 at Pested Bars Road. **MM12** would insert a revised Figure 3.1 into the Plan and I recommend it for effectiveness.

245. Whilst there has been good progress on building out various 2017 Local Plan allocations in and around the town, a small number of allocated sites remain to be developed/completed. Consequently, the relevant site policies from the 2017 Plan would not be superseded. Site H1(24) at Postley Road, Tovil from the 2017 Plan was inadvertently omitted from the proposed appendix as part of the MM consultation. There was no evidence prior to the MM consultation that the

site would be superseded, and it was shown on the Policies Map. Table 8.1 in the submitted Plan clearly identifies site H1(24) as an allocation that is not yet complete and therefore to be retained. On this basis I consider no one would be prejudiced by my amendment to add H1(24) to the list of 2017 Local Plan policies not to be superseded in **MM108**.

Housing Allocations at the edge of the Maidstone Urban Area

Site LPRSA265 Land At Abbey Gate Farm, South West of Maidstone

246. Sequentially, the site is reasonably related to the town centre and is within walking distance of large food stores and bus stops on Farleigh Hill. In broad terms the site is sustainably located. As demonstrated through the SA and SLAA processes it would be a reasonable and deliverable option to assess as part of an appropriate strategy.
247. The site location gives rise to a number of environmental issues which require particular consideration including, but not limited to, the adjacent Grade II* Listed Abbey Gate Place, the proximity of the Loose Valley Conservation Area and Landscape of Local Value and the adjacent wildlife site at Walnut Tree Meadows. The extent of the allocation is widely drawn such that it includes areas of land that have a clear rural quality, distinct from those parts of the site closer to the edge of urban Maidstone. I am cognisant, however, that land to the north-west of the allocation benefits from planning permission for a major residential development which will alter the character at this location. As such the proposed allocation would form a logical extension to the built-up area in this part of the wider urban area of Maidstone.
248. In terms of the proximity of modern residential development to the Grade II* Listed Abbey Gate Place, the NPPF at paragraph 200 is clear that any harm to the heritage significance would require clear and convincing justification. Paragraph 202 of the NPPF says that where harm is less than substantial, this should be weighed against the public benefits of the proposal.
249. In terms of the harm, there would be no impact on the fabric of the building, which I consider to be the main contributor to its heritage significance. Rural setting is part of the heritage significance in terms of appreciating the origins of the building. Whilst Abbey Gate Place would have been conceived as a relatively isolated rural stead, any agrarian origins or functional relationship have been diluted to some notable extent by twentieth century ancillary development within the immediate setting of the building. Additionally, the grounds immediately around the building are now overtly domestic garden including tarmac areas for vehicle parking, a tennis court and a raised terrace feature along part of its northern boundary to the allocated site. Intervening vegetation affects intervisibility to those parts of the site allocation that could be developed for housing. Nonetheless, the proximity of modern residential

development within the wider rural setting of the asset would result in harm to its significance. I have set out in detail elsewhere⁵⁵, why I consider the degree of harm to be less than substantial to the heritage significance of this asset.

250. In terms of arriving at a conclusion that there would be less than substantial harm to the heritage significance of Abbey Gate Place, there are soundness issues with the site allocation policy, that require modification in order for the policy to be consistent with national planning policy and to be effective. This includes further policy content requiring specific regard to the setting of Abbey Gate Place and for appropriate buffers (informed by heritage and landscape assessments) to the southern and eastern boundaries of the site. An additional criterion should also be added to the policy requiring that the approach to landscaping at the allocation maintains a degree of rural outlook from Abbey Gate Place.
251. Furthermore, an additional criterion requiring a landscaped buffer to the north and west of Abbey Gate Place is also necessary. As such, appropriate landscaping between the grounds of the listed building and any new housing would maintain necessary separation and preserve a remaining, moderate sense of rural detachment at the immediate setting of the Listed building.
252. As submitted the policy is not effective in ensuring an appropriate transitional approach to this edge of settlement location. As such modifications are needed to the policy to clarify that a landscape-led masterplan would be informed by a Landscape and Visual Impact Assessment. Additional content is needed to confirm specific landscape buffering is required to the areas of Local Landscape Value and that there would be no built development east of Straw Mill Hill or south of the public footpath.
253. As submitted the policy required new development not to be located on higher ground adjacent to Dean Street. This is ambiguous and therefore ineffective. The policy should be modified to identify that with the exception of a possible site access road there would be no built development on the Walnut Tree Meadows Nature Reserve. There is concern about this, including whether covenants for the wildlife site or ground conditions on what was a former landfill site would allow for an access road. Accordingly, I recommend the policy is modified to recognise that site access could be achieved either from Dean Street or from the adjacent permitted residential site. If vehicular access is required via the Walnut Tree Meadows site the policy should be modified to make clear that land take should be minimised, the route alignment must avoid undermining its function and coherence and that any route should be appropriately landscaped. These modifications are necessary for effectiveness and consistency with national planning policy on biodiversity.

⁵⁵ ED117 Post Stage 2 Letter – July 2023

254. In terms of overall net impact on biodiversity, the wider site is required to deliver at least 5ha of new community woodland. I also recommend, for effectiveness, that the policy is modified to make clear the additional areas of landscaping and buffering required for the reasons set out above, should be subject to a delivery and management plan.
255. To ensure the effective delivery of the site and to reflect the above constraints and proposed modifications to the wording of the policy, it would also be necessary for effectiveness to include a high-level key diagram for the site within the Plan illustrating the net developable area and the significant areas that are to remain open. This would provide a necessary starting point for masterplanning the site as opposed to a simple red line allocation boundary.
256. **MM75** would encompass all of the required changes and I recommend it so that the plan would be consistent with national planning policy, justified and effective.

Policy LPRSA266 Land at Ware Street

257. This is a relatively modest site on largely overgrown land to the north of Ware Street. It wraps around an existing residential property 'Fairways' and is bounded to the north-west by a pattern of dispersed, detached dwellings along Ware Street. To the south-east is a modern, linear residential estate at Edelin Road which extends back at depth from Ware Road and along Chapel Road to the east, including a considerable way along the boundary to the proposed site allocation. The site has been appropriately assessed through the SA and SLAA processes as a sustainable and reasonable option.
258. As described above, in terms of settlement pattern the site can reasonably be described as forming a logical infilling between existing housing on this part of Ware Street. The layout and design of development on the allocated site could relate reasonably well to the depth and form of the modern housing on Edelin Road and to the position of the detached dwelling of Birling House to the north-west. In this way development of the allocated site would not appear as an incongruous projection into open countryside. The site does have a verdant quality, in large part from the mature trees and hedging along its frontage to Ware Street. The submitted policy requires site access to minimise the loss of these trees and this would be justified and effective. When looking at the detailed design, layout and landscape requirements of the submitted policy I am satisfied that development on the allocation could come forward without significant harm to the character of this part of Ware Street.
259. The proposed site allocation represents an opportunity to take a comprehensive approach including the policy requirement to provide at least 0.7ha of natural/semi-natural open space. From my observations on site there is already

a strong landscape framework around those parts of the site closest to the KDNL that could be incorporated and augmented in any detailed proposal on the site. The policy recognises the importance of these boundaries, but I consider this could be strengthened by stating in the policy that an assessment would be required to inform this. As such I recommend **MM76** for effectiveness.

260. From my observations around the site, including the public right of way that extends up through the site and across the golf course to Hockers Lane, and from within the KDNL, I found the allocated site to be reasonably contained and not prominent in the wider landscape or the setting of the KDNL. It was not my experience within the site that the KDNL was prominent, in terms of any intervisibility or a strong sense of rurality or tranquillity of the KDNL given the intervening M20 highway. From within the KDNL, the extent of the intervening area of land between the M20 and the allocated site, including the extensive grounds of the golf course and the dense woodland at Honeyhills Wood, means that development on the site would not be conspicuous or significantly erode the current relationship between the KDNL and the built-up extent of Maidstone. Consequently, having regard to NPPF paragraphs 174 and 176, I find that the proposed allocation would be sound in terms of conserving and enhancing the natural environment. Consequently, I am able to arrive at a different conclusion for plan-making compared to recent appeal decisions in the locality.

Sutton Road Sites - Policies LPRSA270 Land at Pested Bars Road, LPRSA362 Maidstone Police HQ and LPRSA172 North of Sutton Road (West of Rumwood Court)

261. Transport modelling for the Plan and the ITS recognise that parts of the road network in the urban area of Maidstone operate near or at capacity at peak periods including the A229/A274 Wheatsheaf junction and the Wallis Avenue junction on the A274. The action plan for the ITS includes projects for capacity improvements at the Wheatsheaf, Willington Street and Wallis Avenue junctions on the A274 Sutton Road corridor, including measures for bus prioritisation. This is drawn through into the IDP which identifies A274 corridor projects under reference HTSE1. This is then further identified more specifically for the critical Wheatsheaf junction at IDP projects HTSE6 and HTSE7, in combination with IDP scheme HTSE8 which seeks enhanced bus services along Sutton Road.
262. I was advised that a scheme has been devised for the Wheatsheaf junction, including closing off the Cranborne Avenue arm, which is likely to create some additional capacity. Given the evidence from the transport modelling, the ITS and the IDP a careful approach would be required with the additional allocations and highway impacts on the A274 Sutton Road. That said, the Police HQ and Pested Bars Road sites need to be considered in terms of any net additional traffic generation compared to the existing Police HQ use. Each site allocation policy on Sutton Road requires a highways access strategy to be agreed with the Borough Council and KCC Highways and for prior agreement with KCC on

any necessary off-site highway improvements or mitigation. This could include schemes already identified in the ITS and IDP or additional works. Overall, I consider this to be a suitably precautionary approach.

263. Given the progress being made on the Wheatsheaf junction and having regard to preliminary transport assessments undertaken in support of the proposed allocations⁵⁶, I am satisfied that the Plan's growth would not have unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe. Policy LPRSP3, identifies the ongoing growth south-east of Maidstone and identifies at part 3 of the policy that highway and transport improvements, including junction improvements on the A274 Sutton Road as key infrastructure requirements for that committed growth.
264. I do, however, recommend the addition of A274 Sutton Road schemes, including Wheatsheaf junction, to paragraph 7.82 of the Plan which identifies key local highway infrastructure schemes for which site allocations are expected to contribute towards. This would be included as part of **MM51**, and I recommend their inclusion so that the plan would be justified and effective. Having regard to the consultation on the MMs, I also recommend the A274 Sutton Road is added to the list of necessary infrastructure for the Maidstone Urban Area in Policy LPRSP2 so that the policy would be justified. I have amended **MM11** on this basis.

LPRSA270 Land at Pested Bars Road

265. The proposed allocation is for approximately 196 dwellings at an average density of 30 dwellings per hectare. From the evidence this capacity would be a cautious under-estimate, even when factoring-in the character of the site. The net developable area is likely to be larger than the 11ha in the submitted policy, with evidence of a more informed figure of somewhere between 12-14ha. At an average density of 30dpha and allowing for comprehensive landscaping and design approaches to ensure an appropriate built edge at this location, an indicative capacity of circa 196 dwellings is neither justified or positively prepared. As such the site capacity needs to be increased to reflect a realistic figure. An amended figure of approximately 300 dwellings is recommended in **MM77**.
266. In terms of addressing how the site should come forward, including its relationship to the adjacent LPRSA362 site at Maidstone Police Headquarters, the policy needs to be clearer. As a starting point, the policy needs to be modified to set out clear overarching principles for the site that will inform the masterplan framework required elsewhere in the policy. Additional text is now

⁵⁶ DHA Transport Technical Notes for Sites LPRSA172 and LPRSA270 (March 2023)

proposed to do this, reflecting the various land use demands of the site as well as the opportunities to sustainably connect the site into the wider urban area.

267. The policy also needs to clarify that the amended land budget of 12-14ha for net residential use will be further informed by the need to undertake a Landscape and Visual Impact Assessment and other open space / sports facilities requirements given the location of the site. As submitted the policy makes provision for 25ha of land for country park use, which would be a significant wider public benefit at this edge of urban Maidstone. The policy needs to be modified to make clear this land use will be on that part of the allocation east of Cliff Hill. This would be an appropriate land-use in terms of the relationship of the site to the Loose Valley Landscape of Local Value. These various amendments to site allocation requirements in Policy LPRAS270 are set out in **MM78** and I recommend them so that the plan would be justified and effective.

268. The policy referred to a masterplan framework but given the scale of development, a set of overarching principles for how the site is to come forward need (to be established with the Local Planning Authority) would be a justified and effective approach. As modified the policy contains a confusing blend of references and so I have amended the wording in **MM78** to consistently refer to overarching principles to aid effectiveness.

269. To assist the process of overarching principles and provide further clarity, given the site allocation is effectively a mixed use scheme comprising residential and strategic open space **MM78** would introduce a high-level conceptual diagram. I recommend its inclusion so that the plan would be effective. The key diagram is intended to be a very high-level expression of the broad land use pattern, to essentially distinguish those parts of the site that would be predominantly housing and those for strategic open space. It should not be read as a detailed plan, and it does not negate or over-ride the various detailed requirements in the policy on landscape, ecology, design and layout which will guide the preparation of a masterplan and subsequent planning applications. The allocation will also need to secure biodiversity net gain and this is now reflected as one of the over-arching principles for the site in the proposed **MM78**.

LPRSA362 Maidstone Police Headquarters

270. The site is allocated for primarily a residential-led scheme of some 247 dwellings with commercial and community uses within retained buildings at the Sutton Road frontage of the site. The frontage buildings have a civic character and make a positive contribution to this part of Sutton Road. As such the submitted policy is justified in seeking their retention. The submitted policy offers some flexibility on future uses for these buildings within the context of securing a mix of uses. In light of latest evidence on the Police retaining some administrative presence on the site, I recommend **MM79** that would reduce the

commercial and community use floorspace requirement in the Policy from 7,500sqm to 5,800sqm so that the Plan is justified.

271. Whilst the site is separately allocated to the adjacent LPRSA270 at Pested Bars Road, there will need to be a strong connection in how these sites come forward for successful place-making. Whilst there is not a need for plan soundness to amalgamate the allocations under one policy or joint masterplan, I do consider it necessary that there is consistency in overarching principles that would apply to both sites to further engender a coherent approach. Accordingly, I recommend **MM74** which would embed similar development principles to this site as for site LPRSA270 for effectiveness.
272. On a more practical level, the Police Headquarters site needs to facilitate vehicular access to site LPRSA270. There is no dispute on this and the evidence to the examination underscores extensive cooperation on this matter. The requirement is clearly set out in the policy for the Police Headquarters site under 'Access and Highways'. In terms of the wider highway network and recognising that the current Police Headquarters site benefits from an access on to the very narrow lane at Pested Bars Road, it needs to be clarified that prior to first occupation, this private access is closed to traffic other than for emergency and police operational vehicles. **MM80** would do this, and I recommend it for effectiveness.

LPRSA172 Land North of Sutton Road (West of Rumwood Court)

273. Site LPRSA172, in large part, forms a logical land allocation within the pattern of new housing emerging at this edge of Maidstone. The site has been appropriately assessed through the SA and SLAA processes, recognising there is a distinctive parkland character to the location arising from the proximity of the Grade II Listed Rumwood Court. I am satisfied a sufficient buffer, including existing mature vegetation could be retained between the housing development and the immediate grounds and principal curtilage of Rumwood Court. In this regard the submitted policy is justified in stipulating that a particular approach needs to be taken to developing the site, including a necessary low density that would allow for protected trees on the site to be retained and to conserve the setting of the Listed Rumwood Court.
274. Similar to other proposed site allocations in the Plan, the site allocation policy, when read as a whole, requires a specific approach to developing the site given various constraints, in this case landscape and heritage. As such, the broad outline of the total extent of the allocation may result in misinterpretation of a wider developable area. Accordingly, the Plan as submitted would not be effective and is not sound. A high-level key diagram for the site would provide much needed clarity in identifying a net developable area as well as those parts of the site that should remain undeveloped. **MM82** would introduce a key

diagram and corresponding text to the policy, and I recommend it so that the policy would be justified and effective.

LPRSA366 Springfield Tower, Royal Engineers Road

275. The site is appropriately allocated for approximately 150 dwellings. The site would access onto the adjacent A229 via the existing roundabout on the Royal Engineers Road. Transport modelling for the Local Plan shows the key arterial highway network in Maidstone, including the A229 at this location, experiences capacity issues and improvements may be required⁵⁷. Given the site directly adjoins the A229 at this roundabout location, an additional criterion to the policy requiring that the site comes forward in a way which does not preclude the ability to implement highway improvements to the A229 is necessary. Accordingly, I recommend **MM81** for effectiveness.

Conclusion on Issue 5

276. In conclusion, subject to the above-mentioned MMs, the Plan's site-specific policies for housing / mixed-use allocations identified within and around the Maidstone Urban Area would be sound.

Issue 6 – Whether the Plan's approach to rural service centres, larger villages, smaller villages and the countryside is justified, effective, positively prepared and consistent with national planning policy?

General Approach

277. The Plan identifies six settlements as Rural Service Centres. The approach generally follows that established in the 2017 Local Plan, with Coxheath now being recategorised from a larger village to this tier. The evidence for the rural service centres is comprehensively set out in the Maidstone Settlement Hierarchy Review 2021. In terms of scale, employment and services, Staplehurst performs better than other settlements in the tier. However, the settlement comfortably fits with the role and function of a rural service centre. It would not be necessary for soundness to assign Staplehurst into a potentially higher tier in the settlement hierarchy so as to assign it a specific, higher level of growth as part of this Plan. Overall, the submitted plan is justified and positively prepared at Policy LPRSP6 in its general approach of some additional housing and employment growth and support for services and facilities in the identified rural service centre villages.

⁵⁷ ITS paragraphs 10.25 and 10.26

278. Four settlements are identified as 'Larger Villages' which have comparatively fewer sustainability credentials than rural service centres. Again, this is comprehensively considered and addressed in the Maidstone Settlement Hierarchy Review 2021. The consequence of larger village designation is the assignment of some moderate growth and protection of existing services and facilities. The submitted plan is positively prepared in allocating sites in three of the four larger villages. There is some variance in the scale of allocations being in this Plan but the SLAA and SA evidence appropriately support the site selection process in the larger villages, including those larger sites that can widen housing choice and deliver community infrastructure.
279. As part of the plan-making process, the review of the evidence led to the late inclusion of East Farleigh into the larger village tier. From the evidence in the Maidstone Settlement Hierarchy Review 2021 [LPR1.11], the village justifiably meets the threshold to be identified as a larger village in terms of its facilities and the good connectivity into Maidstone, including by rail. The Council submit that the late identification of East Farleigh as a larger village did not allow for sufficient time to identify and positively allocate sites for development. I accept it would not have been judicious to have delayed plan submission to allocate land at this lower level of the settlement hierarchy. The submitted plan assigns an approximate level of growth to the village (50 dwellings) which would be proportionate to the scale of services and facilities and East Farleigh's sustainable location close to Maidstone. As submitted, I am concerned that simply identifying a quantum of growth would not provide the plan-led approach advocated at NPPF paragraph 15. As such I do not find the submitted Plan to provide an effective or positively prepared approach for East Farleigh.
280. To address this the policy for East Farleigh should clarify that it would be for a Neighbourhood Plan, in the first instance, to allocate land, and accordingly the development would take place in the last 10 years of the period plan (i.e. from 2027/8 onwards). I recognise there is concern that housing could be delayed, but there is no imperative, when looking at the Borough housing trajectory, to deliver a housing allocation in East Farleigh in the early part of the plan period. The proposed modification reflects an appropriate time period for preparing a Neighbourhood Plan. In the event that a Neighbourhood Plan does not come forward in a timely manner to address the issue, then the MM makes clear that it would be a review of the Plan that would address any shortfall. In the circumstances, I consider this a pragmatic approach to ensure the plan would be effective and positively prepared and so I recommend **MM32** accordingly.
281. Additionally, unlike other larger villages, the submitted plan did not contain a settlement boundary for East Farleigh. Again, this omission is not sound given other policies of Plan distinguish between settlements and an otherwise protective approach to the countryside. I recognise that the settlement pattern is somewhat dispersed but there are clearly identifiable concentrations of development south of the River Medway, principally along the B2010 Lower

Road, together with a couple of small satellite clusters around the Primary School and at Forge Lane. These are justified areas around which to apply a settlement boundary and so I recommend **MM33** which would insert a new diagram into the Plan for effectiveness. Additionally, **MM31** would be needed to update the boundaries for 'Larger Villages' in Figure 6.1 and I recommend it for effectiveness. Whilst I cannot recommend changes to the Policies Map, the proposed changes at **MM33** were subject to the schedule of proposed Policies Map modifications.

Coxheath

282. As a Rural Service Centre, the Plan is justified and consistent with NPPF paragraphs 78 and 79 in seeking to allocate a number of sites in the village with a cumulative capacity for approximately 100 dwellings. This includes taking a justifiably proactive approach in allocating relatively small sites such as land at the former Orchard Centre and the Kent Ambulance HQ site. Submitted Policy LPRSP6(A) sets out the strategic policy for Coxheath. Since plan submission, Site H1(59) has been completed and in order for the plan to be effective in clearly setting out the scale of development over the period of the submitted plan this should be deleted. **MM25** would do this, and I recommend it for effectiveness.
283. The submitted plan allocated a site on Heath Road to the east of the village for approximately 85 dwellings (site LPRSA312). This is the site which had been subject to consultation at Regulation 19 on the proposed submission plan (Autumn 2021). On submission the Borough Council proposed a modification to delete the site and replace it with an alternative site for the same capacity at Stockett Lane/Forstal Lane (site LPRSA202). Whilst there were notable local objections to the submitted plan, that does not mean the proposed allocation is not sound.
284. The submitted site at Heath Road is at the eastern edge of the village and is contained by existing vegetation. It is adjacent to modern housing development on Murdoch Chase, with further housing recently completed to the north-west off Forstal Lane with an intervening area of open space and SUDS. As such development on the Heath Road site would form a logical extension to the built-up area of Coxheath. A significant area of intervening countryside would remain such that the separate identities of Coxheath and Loose would be preserved. Accordingly, in terms of landscape and avoiding harmful coalescence, the submitted site at Heath Road was soundly identified.
285. The submitted site could clearly accommodate more than 85 dwellings, even when taking into account various requirements of the policy, as such the boundary is generously drawn and could unintentionally result in significantly more than 85 dwellings. Consequently, to ensure the site optimally accommodates approximately 85 dwellings and to further maintain separation

between Coxheath and Loose, it would be necessary to moderately scale back the extent of the allocation. An amended site boundary has been formulated, which would appropriately draw the extent of the allocation back from Gordon Court to the north and ensure development would be better related to existing housing to the west on Murdoch Chase. As modified, I am satisfied that the proposed 4.6ha allocated site, can sustainably deliver approximately 85 dwellings (at 30dph would equate to 2.83ha) leaving a residual area of 1.77ha for meaningful open space and landscaping. It is therefore not necessary for soundness to amend the site boundary.

286. To ensure the site allocation policy would be effective, it would be necessary to introduce consequential changes that made clear the site area of the allocation, the net developable area and the average net density. It would also be necessary for effectiveness to clarify the extent of a landscape buffer along the eastern and northern boundaries to address perceptions of coalescence with Loose. Allied to this, modifications are also needed to clarify on-site open space and SUDS provision in addition to the required landscape buffer. There is no justification for the development to be informed by a local historic impact assessment and this requirement should be removed. **MM88** would encompass these changes and I recommend it for effectiveness and to ensure the Plan would be justified.

287. In terms of the releasing land at this edge of Coxheath, the Heath Road site has been appropriately assessed as part of the SLAA and SA processes. It is recognised that mitigation is required at the nearby A229 Linton crossroads to improve junction performance⁵⁸. **MM88** would reflect this, and so I recommend it for effectiveness.

Harrietsham

288. The village's role within the hierarchy as a rural service centre has been subject to an independent assessment in the Maidstone Settlement Hierarchy Review (2021). This identifies that Harrietsham has high connectivity by public transport, high levels of employment for a settlement of its size and moderate retail and community facilities. Whilst other rural service centre settlements perform better on facilities, there are sufficient sustainability factors to justify Harrietsham's retention as a rural service centre. Accordingly, Harrietsham's identification as a Rural Service Centre is consistent with paragraphs 78, 79, 92 and 93(e) of the NPPF and, overall, it is soundly based.

289. Submitted Policy LPRSP6(B) sets out the anticipated scale of housing development in the plan period at part 1) of the policy. This needs to be updated to reflect that Site H1(33) has now been completed and consequently the two allocated sites at LPRSA071 and LPRSA101 would together result in

⁵⁸ Scheme HTC1 in the IDP, identified as critical, delivery 2027-2032.

approximately 100 new dwellings over the plan period. **MM26** would do this, and I recommend it so that the Plan would be effective.

290. The selection of the two residential allocations has been appropriately informed by the SLAA and SA. Whilst the Plan would see development directed to one part of the village with consequential changes to the character, the impact would be localised and at a point where a good degree of landscaping and containment exists. The detailed site allocation policies would be effective in ensuring design, layout and landscaping would assimilate the developments into their local context, recognising that Mayfields and Downlands already provide a residential character on this part of the A20. There would be no physical or perceptual coalescence with Lenham, including when taking account of the LBL proposals in the Lenham Neighbourhood Plan.

291. The indicative capacity at the Keilen Manor site needs to be reduced from 47 to 37 dwellings reflecting that large parts of the site are heavily treed, as accounted for when site capacity was modelled in the SLAA. Aligned to this, the policy also needs to clarify that the development capacity of the site would be informed by detailed arboricultural survey work including those trees that need to be retained and protected. **MM90** sets out the necessary modifications to the Policy LPRSA071 and I recommend it so that the proposed allocation is justified and would be effective in protecting the sylvan character in this part of Harrietsham. The amended capacity is reflected in MM26 recommended above.

Headcorn

292. Strategic Policy LPRSP6(C) needs to be modified to reflect the scale of recent housing delivery in the village, including the completion of site H1(38). Consequently, the key diagram for Headcorn will also need updating. The Policy should be amended given the proximity of the River Beult SSSI to the south of the village to reflect that development should not have an adverse effect on this important protected riverine habitat. **MM27** would make these necessary changes and I recommend it for effectiveness and consistency with national planning policy at NPPF paragraphs 179 and 180 b).

293. Land at Moat Road to the west of the village is allocated for approximately 110 dwellings at Policy LPRSA310. In spatial terms, the site is well-located, being within walking and cycling distances to the village services and facilities. Whilst the site occupies gently rising land from the wider valley floor of the River Beult and its tributaries, development would occur against a backdrop of existing housing on higher land. Various requirements in the policy would be effective in seeking necessary landscaping and design responses to the local character.

294. The site is adjacent to a tributary of the River Beult. Flood mapping in this location appears to appropriately reflect topographical conditions in only identifying a very small portion of the site within Flood Zones 2 and 3. Given the

size of the allocation there is no need for flood sensitive development such as housing to be located in this corner of the site. Accordingly, the proposed residential element would be in accordance with the required sequential approach to flood risk⁵⁹. Parts of the adjacent Moat Road are within Flood Zone 3 such that in peak events it may be difficult or dangerous for vehicles and pedestrians to use Moat Road to access into Headcorn. Alternative means of access exist to the north of the site onto the A274 Mill Bank. This would assuage, in part, my concerns regarding flooding on Moat Road and the site being, potentially, temporarily isolated via its principal means of access. However, given the flood risk issue and access, the submitted policy is not sound. I therefore recommend the insertion of an additional requirement within the policy that appropriate alternative access for emergency vehicles must be secured. **MM73** would do this, and I recommend it for effectiveness.

295. Moat Road has no continuous footway from the site into Headcorn. The potential exists to secure a footway link to Mill Bank but the more direct, level and attractive route for future occupiers of the allocated site would be along Moat Road. Moat Road is generally narrow between the allocated site and where the footway begins to the east. There is a particular pinch point on the bridge over the tributary stream. For the purposes of plan-making I am satisfied that there remains a reasonable prospect of securing a safe pedestrian route along Moat Road. This may require some compromises to the flow of vehicular traffic on what is generally a rural lane (currently 30mph within Headcorn), including priority measures for pedestrians. For plan soundness, I consider some additional specificity is required to the policy including references to safe off-site pedestrian and cycle connectivity and that it should be provided along Moat Road. **MM73** would do this, and I recommend it for effectiveness.

Lenham

296. Given the proposals in the made Neighbourhood Plan, there is no need for plan soundness to allocate further sites for housing development in the village. In light of the nutrient neutrality issue for Stodmarsh and the implications in terms of the capacity and ability of the existing WWTW at Lenham (which discharges into the River Stour) it would be necessary to add improvements to waste water treatment capacity to serve the LBL in the 'infrastructure' part of the strategic policy for Lenham. As set out above, the LBL is now embedded in the made Lenham Neighbourhood Plan. This is part of the development plan and a significant local document and so it is necessary that the strategic policy for Lenham in this Plan is modified to have the cross-reference to conformity with the Neighbourhood Plan. **MM28** would introduce these necessary amendments, and I recommend it for effectiveness.

297. A small allocation is proposed to consolidate employment land on Ashford Road to the east of the village, close to the A20. Given the existing commercial

⁵⁹ As per Strategic Flood Risk Assessment – LPR2.17 and LPR2.31

development to the east, the recent housebuilding at Liberty View and remaining land at the H1(41) housing allocation, a short distance to the west, an additional modest amount of employment floorspace would not result in significant harm to the setting of this part of KDNL. Effectively, it would form the final piece of infilling between the Old Ashford Road and the A20 in this part of Lenham. As submitted the policy needs to be clearer on how it should come forward to minimise impact on the setting of the KDNL. This would include clarifications on how the site should be landscaped and the materials palette that would be sympathetic and responsive to the proximity of the KDNL. **MM83** would make the necessary amendments and I recommend it for effectiveness.

Marden

298. The strategic policy for Marden at LPRSP6(E) needs to be amended to include reference to the conservation of the River Beult SSSI to the north of the village. The key diagram for the village should be modified to remove Site H1(46) which has been completed. **MM29** would make these changes, and I recommend it so that the Plan would be consistent with national planning policy on protecting habitats and otherwise effective.
299. Land is allocated for housing at LPRSA295 on land at Copper Lane and Albion Road. The policy requires vehicular access would be taken from Albion Road and there is no substantiated evidence that this could not be safely achieved. The policy requires safe pedestrian connections from the site and again, there is no reason that this cannot be secured. The site currently comprises orchard, bounded by hedging with ponds on the southern boundary of the site. Given this environmental context it would be necessary to modify the policy to additionally require an ecological impact assessment to ensure appropriate mitigation. **MM71** would do this, and I recommend it for consistency with NPPF paragraph 179 and for effectiveness.

Staplehurst

300. Various updates are required to the strategic policy for Staplehurst at LPRSP6(F) to reflect ongoing housing delivery. I have amended the wording of the Policy to make clear that the capacity on Site H1(50) would be approximately 60 dwellings. The policy also needs to include reference to the conservation of the River Beult SSSI to the east and north of the village. **MM30** would make these changes and I recommend them so that the plan would be justified and consistent with NPPF paragraph 179.
301. Proposed allocation LPRSA066 would form a logical extension to housing allocation H1(48), infilling land between Jenkins Way and the Lodge Road employment area. It would be an appropriate mixed-use development providing for approximately 78 dwellings and 1,000sqm of employment floorspace on 0.3ha of the wider site. There is some concern as to whether the employment

use is justified but given the proximity of the railway and long-established employment units, the allocation policy provides for a coherent approach to what is a relatively constrained part of the site. The submitted policy should be clear on this and **MM84** would specify that the employment provision is to be in the north-eastern part of the site. Additionally, **MM85** would introduce a high-level key diagram to spatially illustrate how land uses on the site should be accommodated. Accordingly, I recommend these changes for effectiveness.

302. In terms of the residential development given the relationship to commercial activity at Lodge Road the policy needs to be modified to require the provision of appropriate buffers. **MM84** would do this, and I recommend this for effectiveness. The allocation would need to be accessed from Lodge Road which is a traditional employment estate. Given its width, lighting, footways and some on-street parking restrictions I am satisfied that Lodge Road would provide an appropriate means of access to the site allocation. As submitted the policy sought a vehicular connection through the site from Lodge Way to the new housing at Jenkins Way. The delivery of this is uncertain and not necessary to make the allocation acceptable in highways terms. It would therefore not be justified or effective for the policy to require this. **MM84** would remove the requirement and introduce new text requiring development on LPRSA066 to facilitate vehicle and pedestrian connections to the adjacent Jenkins Way housing development, where possible. I recommend this part of the MM so that the Plan would be justified and effective. Finally, in relation to site LPRSA066, the cumulative effect of planned growth on the A229 corridor in Staplehurst means mitigations are likely to be required⁶⁰. The site allocation policy needs to be modified to confirm this and so I recommend **MM85** for effectiveness.
303. For similar reasons, site allocation LPRSA114 will also need modifying to identify mitigation on the A229 in response to cumulative impacts arising from new development. Additionally, site LPRSA114 is in two distinct parcels either side of Pile Lane and the policy refers to parcels A and B. Modifications are needed to policy and a new key diagram to identify the parcels to avoid any potential confusion. **MM86** would cover these various changes and I recommend it so that the plan would be justified and effective. Additionally, **MM87** would also be necessary to modify the key diagram for Staplehurst to identify parcels A and B at site LPRSA114 for plan effectiveness.

Housing Allocations in Larger Villages

304. A small housing allocation for 9 dwellings is proposed at land southeast of Brickfield Close at Eyhorne Street (Hollingbourne) at Policy LPRSA204. As submitted the policy for the allocation references ensuring the amenity of neighbouring resident's is protected. In achieving well-design places, the NPPF at paragraph 130(f) refers to securing a high standard of amenity for existing users and Policy LPRSP15 of the submitted Plan, setting out the Principles of

⁶⁰ Scheme reference HTS1 in the IDP

Good Design, requires similar at part 5 of the policy. There is no particular site-specific amenity issue. The allocation would form a logical consolidation of the small recent housing development at Brickfield Close. I therefore recommend **MM72** which would remove the amenity requirement from the site allocation policy for effectiveness.

305. Land is allocated at Haven Farm in Sutton Valence for a mixed used development including housing, commercial uses including local retail (there is an existing shop and post office on site) and a site to accommodate a doctor surgery and associated car parking. The evidence in the SLAA demonstrates that an indicative capacity of 100 dwellings would be an appropriate approach. Whilst this would be a significant development for Sutton Valence it would be sustainably located close to the village hall, bus stops and within easy walking distance to the primary school. The principle of the allocation is soundly based.
306. In terms of the detail of the policy, as submitted the site capacity needs to be reduced from 110 to approximately 100 dwellings to align with the SLAA evidence. Additionally, given the mix of uses proposed, the policy needs to be accompanied by a concept diagram to show indicatively how these would be accommodated. **MM64** would do this, and I recommend it so that the policy would be justified, effective and positively prepared.
307. As submitted the diagram for Sutton Valence accompanying submitted Policy LPRSP7(C) does not reflect the full extent of the land needed to accommodate the proposed uses including the land requirement for a new health facility. There is a strong existing landscape framework, and this boundary vegetation would be consolidated by the requirement in the site allocation policy for extensive open space and green infrastructure, including approximately 1ha of new natural woodland. **MM34** and **MM65** would amend the allocation boundary as shown on the Sutton Valence diagram and site allocation inset in the Plan respectively and I recommend them so that the Plan would be effective and positively prepared.
308. The overall strategic policy approach to Yalding in Policy LPRSP7(D) as submitted would not accurately reflect the intended level of growth for the village or adequately recognise the need to protect the River Beult SSSI which flows through the village. It is therefore necessary to update the housing figure to approximately 100 dwellings to reflect the proposed allocation on Kenward Road and remove reference to H1(65) at The Glebe which has been completed. It is also necessary to be clear regarding protection of the River Beult SSSI. To ensure the Plan would be effective and positively prepared I recommend **MM35** which incorporates the above amendments.
309. The Plan proposes a single allocation of circa 100 dwellings on land at Kenward Road in Yalding. As submitted the allocation is described as 'North of Kenward

Road' but the full extent of the allocation as shown on the Policies Map is both north and south of the highway, creating concerns that housing could take place on the more sensitive area of land south of Kenward Road. As such I consider the policy as submitted to be ineffective and therefore not sound.

310. To address this, additional specificity is required in the Plan to distinguish between land north and south of Kenward Road and to clarify respective roles for what are two distinct parcels of land. Accordingly, land to the north of Kenward Road should be clearly identified as Area A and would principally accommodate the proposed housing. Land south of Kenward Road should be identified as Area B and this would accommodate supporting infrastructure for the housing compatible with the open valley floor character of the land, such as open space, SUDS and improved connectivity along Kenward Road. **MM35** would make this necessary distinction clear in the strategic policy for Yalding and on the accompanying diagram for the village in the Plan. **MM89** would provide clarificatory consistency on this point in the site allocation policy. I recommend both of these MMs for plan effectiveness.
311. It would also be necessary to incorporate amendments to identify that landscaping would be an integral aspect of the Area A site for housing both around its boundary and within the development itself. This is necessary in response to the site occupying rising land on the river valley side. There is no justification for the development to be informed by a local historic impact assessment and this element of the policy should be removed. To make the site allocation policy justified and effective, the proposed specificity on the amounts of different types of open space to be provided on Area B should be removed and replaced with an aggregate figure (proposed as 4.9ha) with a new requirement that the precise public open space and green infrastructure details would be agreed through an open space strategy in collaboration with the Borough Council and Parish Council as part of a single masterplan for the whole site (areas A and B). **MM89** would make these changes to the site allocation policy (LPRSA248), and I recommend them so that the Plan would be justified and effective. I have slightly amended the wording of MM89 for internal consistency within the policy to confirm that the average density of development would be approximately 30 dwellings per hectare.
312. As identified in the MM consultation, the policy refers to flood risk/drainage in error that clearly relates to another proposed allocation. I have recommended deleting this in the attached appendix and consider no one would be prejudiced by my doing so.

Smaller Villages and Countryside

313. 12 settlements are identified as smaller villages under strategic policy LPRSP8. There will always be debates around settlement categorisation but overall, the

plan-making has taken a reasonable approach in identifying smaller villages for the purposes of this policy⁶¹. Policy LPRSP8 takes a reasonably positive approach for locations where sustainability credentials are limited. In addition to the modest housing site allocation at Campfield Farm in Boughton Monchelsea (Site LPRSA360), the Plan makes positive housing allowances for the other 11 smaller villages. This approach is consistent with NPPF paragraph 78.

314. The smaller villages are split into two levels at 35 dwellings and 25 dwellings to appropriately distinguish between settlement size and capacity to sustainably accommodate modest growth. To reflect the sustainability credentials of the settlements it would be necessary to amend the policy to assign Ulcombe to the 25 dwellings tier and to move Chart Sutton into the 35 dwellings category. **MM36** would do this, and I recommend it so the Plan would be justified and effective. Given the positive allocation of land at Boughton Monchelsea, the settlement is not identified for additional housing growth which would be justified but Policy LPRSP8 should reference the allocation at Campfield Farm and **MM36** would do this, ensuring the Plan would be effective in this regard.
315. Given there has been a steady supply of windfall developments across the rural parishes of the Borough, the submitted plan would be in accordance with NPPF paragraph 68 in assigning the growth in Policy LPRSP8 as 'broad location' development for the latter part of the plan period. This would enable local communities to shape and guide this growth through Neighbourhood Plans, or where that does not occur, the Borough Council may wish to revisit the matter in a subsequent review of the Plan. To reflect this, Policy LPRSP8 would need to be modified to make clear the limited housing growth figures in the policy are to be "plan-led" and not a target to be fulfilled through windfall developments. This would be consistent with NPPF paragraphs 70 and 79. **MM36** would make the necessary change and I recommend it so that the Plan is positively prepared and effective. In addition to the positively identified housing figures in part 2 of the policy, part 3 would allow for additional small-scale housing development in these villages subject to criteria. Again, **MM36** would clarify this, and I recommend the additional text for effectiveness.
316. Policy LPRHOU1 provides a positive policy for supporting housing development on previously developed land. As submitted the policy support does not extend to such sites in smaller villages. Given named smaller villages are identified in the settlement hierarchy and Policy LPRSP8 anticipates some windfall development in these villages, I find LPRHOU1 as submitted would not be sound in its potentially restrictive approach. **MM91** would resolve this by clarifying that housing on previously developed land in named settlements of the hierarchy would be supported subject to reasonable criteria, and only in very

⁶¹ The Settlement Hierarchy Study Review [LPR1.11] and Settlement Annex [LPR1.12]

limited circumstances would housing be allowed on previously developed land in the countryside. I recommend the proposed change for effectiveness.

317. As part of achieving a sustainable pattern of development, additional housing in the countryside, outside of the identified settlement hierarchy must be carefully managed. This would be consistent with NPPF paragraphs 79 and 80. There may be a need for types of housing for different groups in the community, for example, those wishing to self-build, but the countryside, including smaller hamlets, should not be a starting point to locate such development. **MM95** would introduce helpful clarificatory text in this regard to aid implementation of Policy LPRHOU9 (the policy on Self-Build and Custom Housebuilding) and I recommend it for effectiveness.

318. In terms of the character of the countryside the submitted plan at Strategic Policy LPRSP9 is consistent with national planning policy at paragraphs 80, 84 and 176. The submitted plan, justifiably focuses on potential impacts on the KDNL, which is a designated area within the Borough. I also consider it necessary that further content is added to the effect that proposals that would impact on the setting of the High Weald should have regard to the latest Management Plan and its supporting evidence and guidance. **MM37** would do this, and I recommend it for effectiveness and consistency with NPPF paragraph 174.

319. The first criterion of Policy LPRSP9 would resist development that would result in harm to the rural character and appearance of the area. Most development results in change, which can often be perceived as harmful or may indeed result in a degree of harm (possibly quite small in scale). As worded, I am concerned the policy, if implemented zealously, could frustrate development that could be, on a reasonable balance, considered sustainable. I therefore recommend that the word "significant" be added as a qualification to this criterion of the policy to enable decision-makers to undertake a more appropriate balancing exercise. **MM38** would do this, and I recommend it for effectiveness. I have also added a reference to the High Weald Area of Natural Beauty Management Plan within **MM38**, for consistency with **MM37**.

Ancillary matters in respect of Site Allocations

320. The Plan sets out at Table 8.2 a helpful summary of the proposed site allocations in the Plan (excluding the strategic sites). As a consequence of the various MMs to the site allocation policies, Table 8.2 would require updating. **MM63** would do this, and I recommend it to ensure the plan would be positively prepared and effective.

Conclusion on Issue 6

321. In conclusion, subject to the above-mentioned MMs, the Plan's approach to rural service centres, larger villages, smaller villages and the countryside would be justified, effective, positively prepared and consistent with national planning policy.

Issue 7 – Whether the Plan would provide a policy framework for maintaining housing supply and delivery, including a mix of housing needed for different groups in the community that would be effective, justified, positively prepared and consistent with national planning policy?

Maintaining Supply and Delivery

322. Through the SLAA and ongoing monitoring processes, the Council has appropriately profiled much of its deliverable and developable supply of housing. This includes constructive and appropriate engagement with site promoters and developers⁶². The timing of some site delivery now needs to be adjusted, particularly to allow for suitable lead-in times for first delivery at the new garden communities. The capacity of some site allocations in the Maidstone urban area needs to be amended to reflect more realistic figures. Overall, the various adjustments made during the examination process, have been presented in the comprehensive housing trajectory delivery paper in November 2022 and subsequent summary updates prior to and following the Stage 2 hearings in June 2023.

323. The housing land supply, in terms of the pipeline of existing commitments and proposed allocations, has been appropriately profiled to the NPPF definitions of deliverable and developable. Whilst there has been focus in the examination on the garden community developments, it is positive that the Plan has, additionally, allocated a notable number of small, medium and larger housing sites (amounting to a capacity of 3,308 dwellings). This would be in addition to the extant supply and proposals in the Lenham Neighbourhood Plan.

324. At least 10% of the housing requirement will come forward on sites of no more than 1 hectare in accordance with NPPF paragraph 69(a). This is clearly demonstrated in the Housing Delivery and Land Supply Topic Paper. An allowance is made for both small and large site windfalls as part of the anticipated supply. In accordance with NPPF paragraph 71 compelling evidence for this is set out in the Housing Land Supply Update Analysis Paper (April 2021). This draws upon 13 years' worth of monitoring housing delivery

⁶² ED66 Appendix 3 (November 2022) – Individual Site Delivery Confirmations

including on unallocated sites, applying a detailed methodology⁶³ which I consider to be soundly based.

325. The allowance of 113 units per annum on smaller sites is cautious given past higher windfall rates, providing confidence that the trajectory is not based on overly optimistic inputs. The housing trajectory makes no allowance for windfalls until 2026/27, which would be suitably prudent given the scale of extant planning permissions already accounted for.
326. The separate allowance for large windfall sites is also justified. No allowance is made in the trajectory from this source until 2028/9 and then at a modest 90dpa before stepping up to 181dpa from 2033/34. The allowance reflects the potential for further supply through permitted development rights (conversions to residential) and policies in the Plan that allow for older persons accommodation on unallocated sites in sustainable locations.
327. As submitted the plan contained a housing trajectory target that would reflect higher delivery in years 1-5 before stepping down to a consistent target of just over 1,000 dwellings per annum over the remainder of the plan period. An immediate step-up in housing delivery from the 883dpa to deliver consistently against the 1,157dpa would be challenging and may result in a relatively fragile five year deliverable supply. Whilst there has been very strong recent housing delivery in the Borough (a benefit of the 2017 Local Plan) that will likely now abate until allocations in this Plan start to deliver in significant numbers. Whilst there are encouraging signs that some of the allocations are already progressing the overall supply picture means it would only take a small number of key sites to falter before potential outcomes arise contrary to the plan-led approach which the Council is seeking to maintain through this Plan.
328. Accordingly, I do not consider the submitted housing trajectory to be justified. MMs are needed to reflect revised site trajectories and to ensure the trajectory strikes a strong balance between stepping up to meet the significantly higher housing need and ensuring a plan-led approach in accordance with the spatial strategy. In my assessment, the spatial strategy, including two major new garden settlements in the medium to long term to deliver a sustainable pattern of development, means the very circumstances in the PPG⁶⁴ which would justify the use of a stepped housing trajectory are engaged.
329. There is evidence that the Council has historically taken a cautious approach to assessing site capacities, and delivery rates. This is shown in recent levels of significant delivery in excess of identified housing need. However, this cannot be relied upon to assume that the housing land supply position would remain positive against a higher housing requirement in the early parts of the plan

⁶³ ED31, Paragraphs 4.41 to 4.49

⁶⁴ PPG Paragraph 68-021-20190722, Housing Land Supply & Delivery

period. The evidence on delivery does, however, support the application of a 3% non-implementation rate based on local monitoring as opposed to a more cautious 5% figure that has previously been applied. Even when taking into account these considerations, a stepped trajectory is therefore necessary for plan soundness.

330. In maintaining housing delivery, I also consider it will be necessary for soundness to include a new Policy 'LPRSP10 Housing Delivery'. The policy would reaffirm the overall housing requirement over the plan period being a minimum 19,669 homes. It would also set out an updated stepped housing trajectory which after an initial year of 1,157dpa, would moderately step down to 1,000 dpa over years 2-6, before stepping up to 1,150dpa in years 7-12 and then stepping up again to circa 1,350 dwellings in the latter parts of the plan period. This trajectory would appropriately reflect the supply evidence in the Borough, including the lead-in times on delivery on the larger strategic sites. It would also represent a significant increase from the 2017 Local Plan whilst simultaneously ensuring a five-year deliverable supply can be maintained both in terms of the five-year period on plan adoption but in the immediate years beyond. In this way the modified housing trajectory would be sound. The modified trajectory would be reflected in the new Policy LPRSP10 as part of **MM39**, but I also recommend **MM106** which replace the submitted housing trajectory at Appendix 1 to the Plan.
331. The new LPRSP10 policy would set out how delivery would be maintained were matters to unexpectedly worsen and a five year deliverable supply could no longer be demonstrated. This includes a set of parameters where additional residential development could be supported in principle. Ultimately, the new policy includes content that if housing delivery becomes negatively adrift from the trajectory and this is sustained over two subsequent monitoring years then a full or partial plan review would be triggered as the principal remedial action.
332. As set out above in respect of Policy LPRSP8 (smaller villages) and in the case of East Farleigh as a larger village, there is a specific role for Neighbourhood Plans as part of the development plan in tandem with the Local Plan, to boost housing supply. As a strategic policy, LPRSP10, would apply for the test of basic conditions for Neighbourhood Plan making in terms of general conformity⁶⁵. The proposed content of new strategic policy LPRSP10 would reinforce the link from the Local Plan Review to this local tier of plan-making, in terms of requiring continuity of housing allocations and to deliver the housing requirements set out in this plan. Further supporting text to this part of LPRSP10 would clarify what would be required in designated neighbourhood areas.

⁶⁵ NPPF paragraphs 13 and 29

333. For these reasons the new strategic policy on housing delivery would be necessary for the Plan to be justified, effective and positively prepared. It would also be consistent with national planning policy at NPPF paragraph 66 in terms of establishing a housing requirement figure and how that can be met over the plan period. Additionally, the new sections on Designated Neighbourhood Areas are also necessary for consistency with NPPF paragraphs 66 and 67. For these reasons I therefore recommend **MM39**.

334. In conclusion on housing land supply, against the revised stepped housing trajectory there would be a deliverable supply of 5,510 dwellings against a requirement of 4,716⁶⁶. The requirement has been adjusted to account for over-delivery in the first two years of the plan period and the application of a 5% buffer for choice and competition. Two thirds of the deliverable supply would come from extant permissions (applying a 3% non-implementation rate), with allocated non-strategic sites in the Plan accounting for 29% of deliverable supply from year 3 onwards. Whilst I have not been asked to confirm a deliverable supply as per NPPF paragraph 74b), it is nonetheless the case that a deliverable housing land supply equivalent to 5.8 years could be demonstrated at the end of the examination. On this basis the Plan would be consistent with NPPF paragraph 68 and the overall objective to significantly boost the supply of housing.

335. Cumulatively, over the whole housing trajectory a small shortfall of 279 dwellings would arise in the last year of the plan period (2037/38). Given the housing requirement has increased significantly from 17,746 dwellings on plan submission to a modified figure of 19,669 dwellings the scale and timing of this shortfall is not critical to overall plan soundness.

Housing Mix

336. The SHMA includes, amongst other things, an assessment of the size, type and tenure of housing needed for different groups in the community in line with NPPF paragraph 62. Policy LPRSP10(A) provides the foundations for securing an appropriate mix of housing, both in terms of the relevant development management policies but also in setting strategic policy content for neighbourhood plans. As submitted the policy identifies that 'large development schemes' will be expected to give consideration to providing custom and self-build plots. There is no ready definition of 'large development' and so I recommend the policy is modified to reference 'major developments' which is a defined⁶⁷ threshold. **MM40** would do this, and I recommend it for effectiveness.

337. The evidence indicates a relatively modest demand for self-build housing in the Borough, but Policy LPRHOU9 would provide a positive framework for custom

⁶⁶ ED119 Update to Housing Trajectory and Deliverability July 2023

⁶⁷ Town & Country Planning (Development Management Procedure) (England) Order 2015

and self-build housing proposals. It covers both individual applications and also scenarios where serviced plots have been provided as part of major developments in accordance with LPRSP10(A). As submitted, Policy LPRHOU9 would allow for the reversion of plots where marketing, including to those on the Council's Self-Build and Custom Housebuilding Register, has not found a buyer. A period of 24 months marketing is required but there is little justification for such an extensive period, which is likely to prove financially punitive to developers needing to seek a return on the investment of bringing the wider site forward. As such a reduced marketing period of 12 months would be reasonable and provide a suitably fair opportunity if the demand for self-build plots exists. **MM97** would introduce this change and I recommend it accordingly.

338. Policy LPRHOU2 provides a framework for assessing proposals for residential extensions, annexes and redevelopments within built-up areas. The policy contains a more considered approach to proposals in the "countryside and undefined settlements". In terms of consistency within the Plan, settlements in top 6 tiers of the settlement hierarchy are identified and named such that anywhere else for the purposes of the plan and planning policy is countryside. As such the term "undefined settlements" could be confusing and so I recommend **MM92**, which would delete the reference, for effectiveness.
339. Consistent with an aging population, the SHMA identifies a significant need for specialist housing for older persons. This includes retirement or sheltered housing providing an element of support, which is likely to be within use class C3 and enhanced or extra care provision, typically within use class C2. Given the emphasis in the PPG⁶⁸, which describes providing housing for older people is critical, it would be necessary for effectiveness and positive preparation that the Plan sets out more clearly the evidence from the SHMA on the level and types of older persons housing needed to assist decision-makers. **MM93** would do this, and I recommend it accordingly.
340. Policy LPRHOU7 would provide for a generally positive policy approach to assessing proposals for specialist older persons households. As submitted, the policy, would support older persons adjacent to the Maidstone urban area, the rural service centres and larger villages. Given that a limited number of smaller villages are identified in the settlement hierarchy, with some sustainability credentials, the Policy should be amended to allow for older person provision adjacent to the identified settlement boundaries in the plan subject to the criteria in the policy. This would provide for some limited further opportunities to deliver a critically needed type of accommodation that can otherwise be challenging to accommodate within existing built-up areas. **MM94** would introduce the

⁶⁸ PPG paragraph 63-001-20190626

increased scope to deliver older persons housing, resulting in a more positively prepared and effective policy.

Affordable Housing

341. There is a significant need for affordable Housing, with the SHMA identifying a net need for 8,385 affordable homes over the period 2022-2037. The SHMA further advises that the tenure split should be 75% for affordable renting and 25% for affordable homeownership products. Viability testing of the plan has confirmed that different levels of affordable housing can be delivered through new development according to a combination of geographical location and land type. The supporting text to the policy needs to be modified to clarify a low value zone has been identified encompassing the town centre and some of the surrounding inner urban area in the town, where it is often unviable to deliver affordable housing but not conclusively. **MM41** would make the necessary changes to the context for the affordable housing policy, and I recommend it so that the plan would be justified.
342. Following the consultation on the proposed MMs I consider additional text is necessary in support of Policy LPRSP10(B) to clarify that it would be through an open-book process that the principle and value of any off-site financial contributions for affordable housing would be determined. As such I have modified **MM41**. It would provide for internal consistency with LPRSP13 and so I consider no one would be prejudiced by this additional change.
343. Strategic Policy LPRSP10(B) on affordable housing as submitted would not be effective on its approach to affordable housing in the low value zone and on brownfield development in the mid value zone, in terms of starting from the negative of not normally expecting affordable housing to be delivered. There is evidence of a strong need for affordable housing, viability being only marginal and recent examples of housing developments in the low value zone delivering some affordable housing. Modifications are therefore needed to specify that the starting point in such locations will be an expectation that an element of on-site affordable housing could be delivered in the low value zone and on brownfield sites in the mid value zone. Where this is not feasible a proportionate off-site contribution would be secured, subject to viability testing.
344. It is also necessary to modify the affordable housing policy to delete the indicative target of 25% First Homes, and to replace this with intermediate or affordable home ownership, of which First Homes would be an element. Consequently, it would also be necessary to insert new text into the policy to set out the requirements in those cases where 25% First Home provision would not be adequate to meet the minimum 10% affordable home ownership.

345. It is not necessary to specify in the policy that affordable housing will be required to meet optional technical standard M4(2) on accessibility as this is set out in Policy LPRQ&D6, which applies the M4(2) standard to all new dwellings. Finally, it would be necessary to clarify the value zones, rather than broad geographical areas, where affordable housing would be required on C3 retirement housing. This would allow for internal consistency within the policy and by reference to the viability assessment evidence underpinning the plan. It is also necessary to specify in the policy that affordable housing will not be expected on C2 residential care homes and nursing homes. All of these modifications are presented in **MM42** which I recommend so that the policy would be justified, consistent with national planning policy and effective.

Gypsies and Travellers

346. A new Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTSSA) was under preparation at the time of Plan submission, having been delayed by the Covid-19 pandemic. The submitted Plan recognised that the GTTSSA, when finalised, would be likely to identify a significant need for additional pitches. The approach on Plan submission was the commitment to prepare a separate Gypsy, Traveller and Travelling Showpeople Development Plan Document (the GTTSDPD) and a policy framework in the submitted plan at LPRSP10(C) to continue to allocate extant Gypsy and Traveller Site allocations. Submitted Policy LPRSP10(C) also commits to the production of the GTTSDPD. In addition, the Plan contains Policy LPRHOU8 which provides a development management policy for determining individual planning proposals.
347. NPPF paragraph 62 requires that the housing needs of different groups in the community should be assessed and reflecting in planning policies, including travellers. The NPPF cross-refers to the Planning Policy for Traveller Sites (PPTS) which provides further national planning policy. The GTTSSA has been a substantial piece of work including a sizeable number of interviews. The final outputs were delivered during the examination, firstly as interim draft outputs in January 2023 [ED76] and a final version in September 2023 [ED130].
348. Overall, the GTTSSA has identified a need for 340 pitches over the period 2023 to 2040 for those who met the previous 'planning definition' in the PPTS. In addition, there is a need for 122 pitches for undetermined households over the same period and 67 pitches for households that did not meet the previous 'planning definition' in the PPTS. This results in a cumulative need for 529 pitches. Most of that need is required to be met within the first five years. The GTTSSA also identifies a need for 7 plots for travelling showpeople.
349. The up-to-date need figures have only been established at a very late stage of the plan-making process. I do not consider it prudent or necessary for plan

soundness that adoption of the Plan is delayed further to fully address this matter. I come to this view based on two considerations.

350. Firstly, addressing the scale of need will take time. It will involve careful consideration of existing sites and the extent to which provision can be optimised on these sites through intensification and expansion before identifying new sites that would need to be allocated. In this regard the Borough Council is already preparing the GTTSDPD in accordance with the Local Development Scheme. There have already been three calls for sites as well as a Regulation 18 consultation on this document. I am assured by the work already undertaken that the Borough Council is committed to the GTTSDPD as a plan-led approach to meet needs.
351. Secondly, the reallocated provision within the Plan through Policy LPRSP10(C) would provide for around 22 net pitches. I recognise this is relatively modest, but it provides some potential supply in the interim before the GTTSDPD is adopted. Additionally, Policy LPRHOU8, in accordance with the PPTS, would provide an up-to-date policy for assessing individual proposals, including pitches for undetermined households.
352. At this stage, for consistency with NPPF paragraph 60, the outputs of the GTTSSA need to be reflected in the Plan to provide necessary strategic context for the finalisation of the GTTSDPD in accordance with the Local Development Scheme. Accordingly, additional content would be required to Policy LPRSS1 (the Spatial Strategy) to confirm that the accommodation needs of the gypsy, traveller and travelling showpeople community will seek to be met in full and the commitment to take forward the GTTSDPD. Additionally, it would also be necessary to set out the key findings from the latest evidence from the GTTSSA with the necessary caveats that it remains the role of the GTTSDPD to determine the precise number of additional pitches that are needed on new site allocations. I have amended the wording of MM8 to clarify that reference to a 'planning definition' of gypsies and travellers stems from the 2015 Planning Policy for Traveller Sites and is now a 'previous' definition. I do not consider this affects the substance of the proposed modification as the GTTSDPD will need to be consistent with the latest PPTS. Accordingly, I recommend both the relevant part of **MM7** and the amended **MM8** so that the Plan would be positively prepared and consistent with NPPF paragraph 60 and the PPTS.
353. In respect of Policy LPRHOU8, **MM96** would remove criterion ii) of the submitted policy requiring compliance with the planning definition in the 2015 PPTS. This is necessary to avoid unlawful discrimination but also consistency with latest national planning policy, foreshadowing the recent change to the PPTS in December 2023.

Conclusion on Issue 7

354. In conclusion, subject to the above-mentioned MMs, the Plan would provide an effective and positively prepared policy framework for maintaining supply and delivery, including a mix of housing needed for different groups in the community consistent with national planning policy.

Issue 8 – Whether the Plan's policies for transport and Infrastructure are justified, effective and consistent with national planning policy.

Transport

355. Policy LPRSP12 sets out the strategic approach on sustainable transport. Whilst the Plan is accompanied by a proportionate amount of modelling work to understand potential impacts of the Plan on the highway network, as raised elsewhere in this report, the DfT Circular 01/22 will impact on the need and timing for highway mitigations. In moving away from the approach of 'predict and provide' to one of 'Vision and Validate' through a monitor and manage approach, the aim is not to unsustainably over-provide additional highway capacity at an early stage of developments, potentially undermining other efforts to promote modal shift.
356. The policy appropriately recognises that highway network capacity needs to be improved and it will be for the IDP to outline what schemes will be necessary and when they need to be delivered. The IDP has been updated during the examination process to reflect the ongoing evidence base. The final part of Policy LPRSP12 provides the necessary reference to the status and role of the IDP. Importantly, **MM54** would insert the new approach of the 'Vision and Validate' principles from DfT Circular 01/22 and require proposals to set out a monitor and manage strategy for each site covering all modes of transport. This modification is necessary to give impetus to the need to plan for ambitious but realistic modal shift and travel behaviour changes at the outset. I therefore recommend the modification to reflect the Circular for effectiveness.
357. Transport modelling work to date, and dialogue with National Highways and KCC has identified the need for various strategic and local highway infrastructure improvements within and close to the Borough that would be required to support the Plan's growth. These are identified at paragraph 7.82 of the Plan. This paragraph, however, needs to be modified to reflect the new approach sought by DfT Circular 01/22 described above. It also needs to be modified to ensure consistency with the IDP and ITS and therefore expanded to include reference specific highway schemes. **MM51** would make these various changes to the paragraph, and they are recommended for consistency with national policy and effectiveness. I have also added M2 Junction 3 and M20 Junction 8 capacity improvements as part of **MM51** as these are identified

elsewhere in the Plan. There may well be other highway infrastructure required to support the Plan's proposals and so I have amended the wording of MM51 to make clear the list at paragraph 7.82 is not closed.

358. The submitted Plan can only set out what is likely to be required for the highway network, as a consequence of the Plan's proposals, based on the evidence at the time. Travel demands and behaviour can change and so it is important that the Plan is seen in the context of the IDP and ITS. Various MMs are needed to reinforce that the ITS and IDP work exists parallel to the Plan in order to appropriately manage the transport implications of development as it comes forward, including any cumulative impacts. This would be reflected in new plan content in the Plan as set out in **MM50** and **MM52** and I recommend both for consistency with national policy and for effectiveness.
359. On submission the plan contained Policy LPRTRA3 supporting park and ride services in Maidstone, the protection of two existing sites and support for further opportunities. The service ceased in early 2022 and so it is no longer justified to retain the policy and so I recommend its deletion as set out in **MM102** so that the plan would be justified and effective. For the same reasons **MM53** would also be necessary in deleting text relating to park and ride in the context of strategic policy LPRSP12.
360. Policy LPRTRA4 sets out parking standards for all types of development. The submitted policy set out detailed standards for electric vehicle charging points. Matters have now been superseded by Part S of the Building Regulations, which will apply to new residential developments. As such it would no longer be justified or effective to pursue separate standards for residential development in Policy LPRTRA4. **MM103** would delete the relevant part of the policy and I recommend it accordingly.

Infrastructure

361. Plan preparation has been accompanied by a comprehensive IDP, which has been periodically amended to reflect the iterative nature of infrastructure planning. The IDP has been updated following the examination hearings and prior to consultation on the MMs. The IDP reflects a significant number of infrastructure projects necessary to support sustainable growth in the Borough over the plan period. There remain some differences over specific costs for certain infrastructure projects and a desire to see additional specificity and precision on when infrastructure is likely to come forward. The IDP provides a fair and reasonable assessment of infrastructure requirements and is clearly informed by evidence and dialogue with key infrastructure providers.
362. Some details will change with time and are necessarily provisional, such that it would be unreasonable to require absolute precision and detail. Overall, the IDP provides a reasonable picture of the infrastructure requirements, costs (where

they are known) and timescales and potential funding sources and shortfalls. Funding shortfalls or gaps are not uncommon. That would be part of the justification for pursuing an infrastructure levy and potentially securing other sources of funding that can be applied for to implement sustainable growth.

363. The IDP relates to the infrastructure requirements and phasing on site allocations, particularly for the strategic development sites, reflected in a number of MMs set out above. These sites will be subject to further infrastructure planning alongside SPD and masterplanning work including bespoke infrastructure funding agreements as required by the site policies.
364. Policy LPRSP13 sets out the strategic approach for infrastructure delivery including infrastructure priorities for residential and commercial developments and the mechanisms and approaches that will be used to secure infrastructure, either directly on site or through financial contributions for off-site provision. The policy identifies planning obligations and the Council's continued use of the Community Infrastructure Levy. For completeness, the policy also needs to refer to the use of S278 agreements for highways works. **MM56** would do this, and I recommend it for effectiveness.
365. Policy LPRINF2 seeks to ensure adequate accessibility to community facilities through new provision and seeking to resist the loss of existing facilities. The policy is intended to apply to recreational facilities but is not particularly clear on this. Accordingly, additional content to the policy referencing existing open space, sports and recreation assets is required, having regard to NPPF paragraphs 93c) and 99. This is set out in **MM104**, which I recommend for consistency with national planning policy and for effectiveness.

Conclusion on Issue 8

366. In conclusion, subject to the above-mentioned MMs, the Plan's policies for transport and Infrastructure would be justified, effective and consistent with national planning policy.

Issue 9 – Whether the plan's policies for the natural environment, heritage and climate change are justified, effective and consistent with national planning policy.

Natural Environment

367. Strategic Policy LPRSP14A provides the over-arching policy on natural environment. It provides an appropriate framework for the protection and enhancement of the natural environment, including specific requirements in relation to protected habitats, compliant with the relevant Regulations.

368. The policy sets a requirement for a minimum 20% biodiversity net gain (BNG). Whilst the national BNG requirement is set at a minimum 10%, there is nothing in the NPPF 2021 or the Environment Act 2021 to suppress local authorities seeking more ambitious minimum targets through Local Plans provided it is justified. The environmental baseline in the SA confirms that Kent has not met its 2010 Biodiversity targets, and is unlikely to have met 2020 targets, and this is set to decline further without targeted interventions. In this regard I was referred to the collaborative approach being taken across Kent, including through the Kent Nature Partnership⁶⁹ and from Kent Wildlife Trust that is seeking a minimum 20% BNG in Local Plan policies. This would also align with widespread representations at earlier stages of Plan preparation for a stronger policy framework for biodiversity, as set out in the Environment Topic Paper.
369. At a more local level, seeking a 20% BNG would clearly align with the objectives and ambitions set out in the Council's Climate Change and Biodiversity Strategy and Action Plan. This includes a number of actions for the Borough Council including implementing a Biodiversity Strategy and a Nature Recovery Strategy and working with others to deliver landscape scale biodiversity initiatives. The minimum 20%, measured against the latest metric, is strongly supported by Natural England and KCC, amongst others. SA has also taken account of 20% BNG, both as part of Policy LPRSP14(A) and in the strategic policies for Heathlands⁷⁰ and Lidsing, which has informed an assessment that it can be anticipated to have positive effects in mitigating the effects of development.
370. On site provision is shown to be viable for development as demonstrated in the plan-wide viability assessment as part of an appropriate consideration of policy costs. The modified policy would allow for off-site provision, which may give rise to some potential viability considerations. As such, and following consultation on the MMs, I have inserted additional text to **MM58** to clarify that where 20% BNG is not viable, in combination with other policy costs in the plan, then the statutory minimum BNG (at least 10%) would be required. I do not consider this additional change alters the substance of the policy and would be consistent with Policy LPRSP13 in regards of wider development viability and so I recommend it for effectiveness.
371. An amendment is needed to the policy to delete the reference to BNG being "on site" as other mechanisms, such as conservation covenants or contributions towards off-site provision, may be appropriate, particularly on smaller developments. **MM58** would address this and with its recommendation I find the over-arching approach of a minimum 20% BNG would be sound.

⁶⁹ In delivering the Kent Biodiversity Strategy (2020-2045)

⁷⁰ Deliverability for Heathlands further assessed in LPR1.84

372. There is concern that the policy lacks sufficient detail on how 20% BNG could be implemented, such that the requirement is not justified, or that additional guidance should be provided to make the policy effective. In this regard the Council is preparing a separate Design and Sustainability Development Plan Document (DPD) which the latest Local Development Scheme confirms will cover matters in relation to biodiversity. Consequently, I recommend that part of **MM58** which would insert new text setting out that this DPD will provide further detail in support of the implementation of Part 1 of Policy LPRSP14(A).
373. Following the consultation on proposed MMs I am also recommending that Local Biodiversity Action Plan priority species be added to the policy as part of **MM58** for consistency with NPPF paragraph 179b).
374. The impact of policies and proposals in the Plan on the site integrity of the North Downs Woodland SAC as consequence of air pollution has been a particular matter during plan preparation and this examination. Whilst the issue is principally seen as being related to the Lidsing proposal it remains justified that Policy LPRSP14A sets out a strategic approach to mitigation, given that other developments resulting in a material impact on air quality (increase in traffic on roads within 200 metres of the SAC) are likely to need to carry out an appropriate assessment under the Habitats Regulations. The issue becomes more pronounced were the Lidsing proposal and its proposed mitigation to be significantly delayed or not taken forward. Accordingly, and having regard to the outcomes of HRA (including AA), I recommend the new section within Policy LPRSP14A and additional supporting text in **MM58** to ensure a suitably precautionary approach and no adverse effect on site integrity.
375. Development at Heathlands and Lenham Broad Location are the two principal strategic developments in the Plan within the catchment of the River Stour, where increases in nitrogen and phosphorus would adversely affect site integrity of the Stodmarsh SPA, SAC and Ramsar site downstream. Policy LPRSP14A would apply to both of these developments as well as any other development which would result in a net increase in population served by waste water infrastructure in the Stour catchment. On this matter I therefore recommend **MM57** in terms of adding additional clarity to supporting text to the Policy for plan effectiveness and consistency with national planning policy. I also recommend the part of **MM58** would additionally reference 'principal aquifers' in terms of the water environment to be protected.
376. Local Wildlife Sites have a valuable role in protecting and enhancing biodiversity and so their omission from the sites to be enhanced, extended and connected in Policy LPRSP14A means the plan would not be effective in terms of conserving and enhancing the natural environment. Consequently, I recommend their identification within the policy as part of **MM58**. I also recommend that part of **MM58** which would identify 'Landscapes of Local Value' as part of the natural environment consistent with NPPF paragraph 174a. Finally, in relation to Policy

LPRSP14(A) I also recommend those parts of **MM58** which would introduce new criteria 9 and 10 to the policy. These additional criteria would address the need to protect and enhance soils and require the provision of Sustainable Urban Drainage systems (SUDS), consistent with NPPF paragraph 174a and paragraph 169 respectively.

Heritage

377. Policy LPRSP14(B) provides a strategic policy for conserving, and where possible, enhancing the historic environment of the Borough. Criterion 2 of the policy should reflect when assessing the impact on the significance of heritage assets, consideration will need to be given to any public benefits, which need to be weighed against any harm to designated heritage assets⁷¹. As such I recommend **MM59** so that the Plan would be consistent with national planning policy and for effectiveness. For similar reasons Policy LPRENV1 dealing with development affecting heritage assets would need to be modified to require consideration of potential public benefits in any heritage balance and so I recommend **MM105** accordingly.

Climate Change

378. The Plan contains Policy LPRSP14(C) on meeting the challenges of climate change. The Council is separately preparing a Design and Sustainability Development Plan Document which will contain further policy on how development in the Borough can support the transition to a low carbon future and as well as improving resilience of communities and infrastructure to climate change impacts. This approach would be consistent with NPPF paragraph 21. Accordingly, it is not necessary for soundness for the Plan to contain detailed policy on matters such as sustainable construction and energy efficiency.

379. As a strategic policy, LPRSP14(C) sets out a number of measures, broadly reflective of the content of Section 14 of the NPPF on climate change. Modifications are needed to the policy to ensure it would be justified and effective. As submitted the policy requires blue-green infrastructure, including SUDS to be integrated into 'qualifying' new development. The term 'qualifying' is too imprecise and so I recommend it be replaced by 'major', which is an understood scale of development and consistent with paragraph 169 of the NPPF. Additionally, the part of the policy on 110 litres per person per day for new housing needs to be amended to reflect that it would be the standard of construction (including fittings) that would ensure this. Finally, adapting to climate change and ensuring future resilience is part of the role of planning, as stated at paragraph 153 of the NPPF. Accordingly, it would be necessary for soundness to require development to have regard to surface water

⁷¹ The respective tests at NPPF paragraphs 201 and 202 depending on the degree of heritage harm.

management plans. **MM60** would address these issues and I recommend it so the policy would be justified and for effectiveness.

Conclusion on Issue 9

380. In conclusion, subject to the above-mentioned MMs, the Plan's policies for the natural environment, heritage and climate change would be justified, effective and consistent with national planning policy.

Issue 10 – Whether the Plan's policies for achieving good design are justified, effective and consistent with national planning policy.

Quality and Design

381. The submitted Plan contains a suite of policies aimed at ensuring well-designed places are achieved in the Borough consistent with national planning policy but also cognisant of the need to ensure that the significant growth required in the Borough can be accommodated in ways that are going to function well and add to the overall quality of the area. In addition to the design policies, the site allocation policies also set out relatively detailed design requirements for those sites. Furthermore, the policy frameworks for the new garden communities and the strategic development locations set high level design matters as well as requiring further work in terms of masterplanning and design codes. As such, it is not necessary for the soundness of the Plan to go further and to attempt to cover every design matter at this stage on what will be significant, long-term developments.

382. Sitting underneath Strategic Policy LPRSP15 on design are LPRQ&D policies for more detailed matters. Policy LPRQ&D3 on signage needs to remove content covered elsewhere in the submitted plan at Policy LPRSP11(c) and so I recommend **MM99** for clarity and effectiveness.

383. In a rural borough, the conversion of rural buildings generates their own design considerations. In this regard Policy LPRQ&D5 needs to be modified to include reference to taking account of available guidance, including the Kent Downs Farmstead Guidance. **MM100** would do this, and I recommend so that the Plan would be justified and effective.

Optional Technical Standards

384. Policy LPRQ&D6 would set the requirement for various optional technical standards. This includes internal space standards in accordance with nationally described space standards, accessibility standards to M4(2) on all new dwellings and water efficiency of 110 litres per person per day. These requirements have been viability tested and would not compromise delivery.

The optional technical standard on water consumption is clearly justified by the Borough being classified a water stressed area by the Environment Agency⁷².

385. Having regard to the evidence in the SHMA, the M4(2) accessibility standard in all new dwellings is justified. Having regard to the PPG⁷³ the policy should set out potential circumstances where M4(2) may not be feasible. Additionally, the evidence also identifies a need for wheelchair accessible housing as per optional standard M4(3) but this is not reflected in the submitted policy. Consequently, in order for the plan to be justified, additional policy content is required seeking the circumstances where M4(3) housing would be sought and confirming that such housing only applies to those properties for which the Council would be responsible for allocating or nominating the household, in accordance with PPG paragraph 56-011-20150327. **MM101** would make the necessary changes to this part of Policy LPRQ&D6 and I recommend it so that the Plan would be consistent with national planning policy and guidance.

Conclusion on Issue 10

386. In conclusion, subject to the above-mentioned MMs, the Plan's policies for achieving good design would be justified, effective and consistent with national planning policy.

Issue 11 – Monitoring and Review

Monitoring

387. The plan contains a set of monitoring indicators, which broadly align to the proposed indicators set out in the monitoring section of the SA⁷⁴. I am satisfied that these would be effective in monitoring plan delivery and identifying where action might be needed. As set out under Issue 7 above, the housing trajectory has been recommended for modification and a new Strategic Policy on housing delivery has also been separately recommended. These measures will further focus monitoring of housing delivery and the need for any corrective action if required. No further modifications are needed to the monitoring framework for the submitted plan for Plan soundness.

Plan Review

388. The process and timeframe for the submitted plan started, in large part, from a review policy contained in the 2017 Local Plan. In examining this plan, there are no reasons for plan soundness to repeat a plan review policy. Regulations now require local planning authorities to consider plan review within a five-year period in any event. Monitoring of the plan's performance together with any

⁷² ED107 Water Stressed Areas – Final Classification July 2021, Environment Agency

⁷³ PPG Paragraph 56-008-20160519

⁷⁴ Table 10.1 of 2021 SA Report [LPRSUB002a]

other changes (for example, updates to national planning policy) will inform when a plan review should be triggered including in relation to housing delivery. The latest LDS also identifies separate development plan documents on design and sustainability and gypsy and traveller provision which would ensure development plan policy on these matters remains up to date.

Other Matters

389. On submission, the plan contained a glossary. As a consequence of various MMs and the timescale of the examination, the glossary itself needs modifying so that the Plan would be effective. Many of the changes to definitions in the glossary are to ensure consistency with the NPPF, reflect important factual updates, and various planning related legislation. Following consultation on the MMs I have added a definition of 'Windfall' to the glossary for effectiveness. **MM107** would make the glossary effective for decision-making going forward and so I recommend it accordingly.

Conclusion on Issue 11

390. In conclusion, the plan would provide an effective approach to monitoring and sufficient mechanisms exist to inform when a plan review would be required.

Overall Conclusion and Recommendation

391. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the Maidstone Local Plan Review satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

David Spencer

Inspector

This report is accompanied by an Appendix containing the Main Modifications.

Report to Bracknell Forest Borough Council

by Louise Nurser BA (Hons) Dip UP MRTPI

and David Troy BSc (Hons) MA MRTPI

Inspectors appointed by the Secretary of State

Date 1 March 2024

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Bracknell Forest Local Plan

The Plan was submitted for examination on 20 December 2021

The examination hearings were held between 10-18 May, 6-15 June and 18-20 October 2022

File Ref: PINS/R0335/429/11

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Abbreviations used in this report.

BIDS	Business, Industry, Distribution and Storage
dpa	dwellings per annum
DTC	Duty to Co-operate
GTAA	Gypsy and Traveller Accommodation Assessment
HNA	Housing Needs Assessment
HRA	Habitat Regulations Assessment
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LHN	Local Housing Need
MM	Main Modification
NP	Neighbourhood Plan
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
PSA	Primary Shopping Area
S & IP	Science and Innovation Park
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SALP	Site Allocations Local Plan
SAMM	Strategic Access Management and Monitoring
SANG	Suitable Alternative Natural Greenspace
SHELAA	Strategic Housing and Economic Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SCI	Statement of Community Involvement
SoCG	Statement of Common Ground
SPA	Special Protection Area
WNP	Warfield Neighbourhood Plan

Non-Technical Summary

This report concludes that the Bracknell Forest Local Plan provides an appropriate basis for the planning of the Borough provided that a number of main modifications (MMs) are made to it. Bracknell Forest Council has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, carried out sustainability appraisal (SA) and habitats regulations assessment (HRA) of them. The MMs were subject to public consultation over a six-week period. In some cases, we have amended their detailed wording and/or added consequential modifications where necessary. We have recommended their inclusion in the Plan after considering the SA and HRA and all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- MMs to delete the proposed Garden Village allocation at Jealott's Hill (Policy LP7) and its supporting text.
- MMs to delete three non-strategic residential site allocations due to their potential adverse impacts on the setting of nearby designated heritage assets.
- A revised housing trajectory and updated housing supply position.
- MMs to move a number of the Part 2 (non-strategic policies) to Part 1 (Strategic Issues) in the Plan.
- MMs to add a revised Spatial Strategy and new Settlement Hierarchy Policy.
- MMs to delete the Strategic Gaps and Wedges (Policy LP19) and Separation of Settlements (Policy LP38).
- A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains our assessment of the Bracknell Forest Local Plan (the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) (the 2004 Act). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework September 2023 (paragraph 35) (the Framework) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised National Planning Policy Framework was published in December 2023. It includes a transitional arrangement in paragraph 230 which indicates that plans submitted on or before 19 March 2024, such as this Plan, are to be examined against the provisions of the previous Framework published in September 2023. Therefore, unless stated otherwise, references in this report are to the September 2023 Framework.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound and legally compliant plan. The Pre-Submission Bracknell Forest Local Plan March 2021, submitted in December 2021 is the basis for our examination. It is the same document as was published for consultation in March 2021.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act, the Council requested that we should recommend any MMs necessary to rectify matters that make the Plan unsound and not legally compliant and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out SA and HRA of them. The MM schedule was subject to public consultation for six weeks. We have taken account of the consultation responses in coming to our conclusions in this report and in this light, we have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA/ HRA that has been undertaken. Where necessary we have highlighted these amendments in the report.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted Policies Map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Pre-Submission Policies Maps 1- 4 as set out in LP/CORE/002 - LP/CORE/005.
7. The Policies Map is not defined in statute as a development plan document and so we do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the Policies Map. In addition, there are some instances where the geographic illustration of policies on the submission Policies Map is not justified and changes to the Policies Map are needed to ensure that the relevant policies are effective.
8. These further changes to the Policies Map were published for consultation alongside the MMs in a 'schedule of maps changes linked to the proposed main modifications' [EXAM 63].
9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted Policies Map to include all the changes proposed in 'schedule of maps changes linked to the proposed main modifications' [EXAM 63] and the further changes published alongside the MMs.

Context of the Plan

10. The Plan will replace the Bracknell Forest Borough Local Plan (2002), Core Strategy (2008) and some policies in the Site Allocations Local Plan (2013) (SALP). Part 1 of the document contains strategic policies and site allocations, and Part 2 contains non-strategic policies. All site allocations in the SALP that are not developed yet will be retained. Policy NRM6 of the South East Plan (2009) which deals with the Thames Basin Heaths Special Protection Area (SPA) will be retained. The Joint Minerals and Waste Local Plan (2023) provides the planning strategy for minerals and waste up to 2036. A number of Neighbourhood Plans (NPs) have been made, including the Binfield NP (2016), Crowthorne NP (2021) and the Bracknell Town NP (2021). During the Plan examination, the Warfield Neighbourhood Plan (WNP) was made in 2022 and the Winkfield Neighbourhood Plan was made in 2023.
11. Following discussion at the examination hearings, it was agreed with the Council that a number of the Part 2 (non-strategic policies) be moved to Part 1

(Strategic Issues) in the Plan to ensure they are recognised as strategic policies in accordance with paragraphs 20 and 21 of the Framework and to provide an effective planning framework. This is summarised in examination note [EXAM67].

12. The main town of Bracknell is in the centre of the Borough and the smaller settlements of Sandhurst and Crowthorne are to the south. Bracknell Forest is a unitary authority with a population of 113,205 people and lies within the County of Berkshire. The northern and eastern parts of the Borough lie within the Metropolitan Green Belt and over 20 per cent of the Borough is protected by designations, including the Thames Basin Heaths Special Protection Area (SPA) and the Windsor Forest and Great Park Special Area of Conservation (SAC).

Public Sector Equality Duty

13. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included our consideration of several matters during the examination including the provision of specialist housing to meet the needs of older people and park home dwellers, and a policy framework to support the needs for gypsies, travellers and travelling showpeople. The Plan was accompanied by an Initial Equalities Screening Impact Report (2021) [LP/SP/004] which has considered the impact of the Plan on those with protected characteristics. The analysis identifies only positive or neutral impacts. Positive impacts include improving accessibility to services and facilities for all of those with protected characteristics and the provision of specialist housing for particular groups.

Assessment of Duty to Co-operate

14. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
15. Bracknell Forest is adjacent to the Royal Borough of Windsor and Maidenhead, Surrey Heath, Hart, and Wokingham. The Metropolitan Green Belt lies to its east and to the north. A Duty to Co-operate Statement (2021) [LP/CORE/006] accompanied the submission of the Plan.
16. Historically Bracknell Forest fell within the Western Berkshire housing market and lies within the Central Berkshire functional economic market area.
17. Bracknell Forest, like other constituent authorities within the Western Berkshire Housing Market Area, has agreed, where necessary, to take some of the 230

excess dwellings for which Reading Borough's plan, adopted in 2019 has not made provision [LP/Ev/2m].

18. Part of the Thames Basin Heaths Special Protection Area (SPA) lies within part of the Borough. This requires cross-boundary working which takes place on a regional basis [LP/CG/007].
19. Prior to the commencement of work on the Plan, a Duty to Co-operate Framework was consulted upon, and Statements of Common Ground (SoCG) have been provided with the relevant bodies [CLP/Ev/10a].
20. As such, we are content that, prior to the submission of the Plan, the relevant bodies have where necessary, engaged, constructively, actively and in an ongoing basis, in relation to plan-making with reference to the provision of homes, jobs and commercial development, infrastructure provision, together with climate change matters, as well as the natural and historic environment, such that the legal duty to co-operate has been satisfied.
21. However, this does not require that all those involved have necessarily found agreement. Where matters of soundness have been raised in representations to the submitted Plan, we have considered them below.

Assessment of Other Aspects of Legal Compliance

22. The Plan, in terms of its form and scope, conforms to the subject matter and geographical area for the Plan set out in the Council's Local Development Scheme (LDS). Whilst there has been slippage in the timescale in consultation on the MMs and adoption of the Plan, it has been prepared broadly in accordance with the Council's latest LDS October 2021 [LP/CORE/016]. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement (2014) (SCI) and the SCI Temporary Changes Addendum (2021) [LP/CORE/015].
23. The Council carried out an SA of the Plan and of the MMs. The SA has been methodically undertaken and consulted on at each stage of the Plan process. Issues of coverage and consistency have been addressed during the preparation and comprehensive updates to the SA report. In terms of the timing of the outputs, SA is an iterative process that has informed the contents of the Plan. Some representors have argued that not all reasonable alternatives have been subject to SA, particularly in relation to the alternative development options outside of the Green Belt. However, the Council can exercise its discretion in deciding what the reasonable alternatives may be. We are satisfied that the Council has exercised this discretion in a reasonable way. Overall, we find the SA is proportionate, objective, underpinned by relevant and up to date

evidence, and accords with the relevant legal requirements and national guidance.

24. The Habitats Regulations Assessment Pre-Submission Report (March 2021) [LP/Ev/8e] and Addendum [LP/CORE/009] considered the impacts of development on the Thames Basin Heaths SPA; The Windsor Forest and Great Park SAC; Thursley, Ash, Pirbright and Chobham SAC; and the Chilterns Beechwoods SAC. This was supported by an Air Quality Assessment [LP/Ev/8f].
25. A full appropriate assessment was undertaken. This demonstrates that the Plan may have some negative impact which requires mitigation. This mitigation has been secured through the Plan such that there will be no adverse effect on the integrity of habitat sites because of the policies of the Plan, either alone or in combination with other plans and projects. A further addendum [EXAM 65] was published to accompany the proposed MMs which comes to the same conclusion.
26. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area, subject to a number of the Part 2 (non-strategic policies) being moved to Part 1 (Strategic Issues) of the Plan as outlined above. Furthermore, the Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change, including Policies LP1, LP15, LP49 and the new Strategic Policy on climate change.
27. The Plan complies with all other relevant legal requirements, including the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

28. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified 12 main issues upon which the soundness of this Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Whether the spatial strategy is justified, effective and consistent with national policy?

Plan Period

29. There has been a significant delay between the submission of the Plan in December 2021 and the publication of the MMs. Therefore, the earliest that the Plan could reasonably be adopted would be the spring of 2024. The Plan period runs until 2036/37. Consequently, the Plan which contains strategic policies would not meet the minimum 15-year timespan set out in the Framework.
30. However, we are confident given the healthy housing supply position set out below together with the modifications to the Strategic Policies and Spatial Strategy that the Plan robustly anticipates and responds to long-term requirements and opportunities beyond the Plan period. Therefore, taking into account that a plan should be reviewed every five years, and the impetus to have an adopted plan, we have taken a pragmatic approach and conclude that the Plan period is sound.

Vision, Strategic Objectives and Spatial Strategy

31. The Plan's vision and objectives set out the Council's high level strategic priorities that reflect the key issues for the Borough as evidenced through the comprehensive SA reports and core evidence base. The Plan's vision seeks to achieve each of the economic, social and environmental dimensions of sustainable development. This includes supporting new housing and economic growth and infrastructure, whilst seeking to safeguard the Borough's heritage and environmental assets and ensure that the Borough is adaptive and resilient to the challenges of climate change.
32. However, as submitted, the spatial vision requires amending in order to be consistent with national policy on main town centre uses, flood risk and heritage assets and to be effective when read with detailed policies of the Plan, including the removal of the reference to the Garden Village Allocation at Jealott's Hill which is considered below in Issue 4. Therefore, **MM1** is required to ensure the spatial vision is justified, effective and consistent with national policy.
33. The Plan sets out clear and reasonable strategic objectives, including taking a positive and proactive approach to development proposals, high quality development, housing and economic growth, town centres, infrastructure, managing environmental assets and supporting the economic and social well-being of all communities across the Borough. As submitted, a number of the objectives require expanding and amending in order to be consistent with national policy and to be effective when read with detailed policies of the plan. **MM2** would deal with this, and we recommend it accordingly.

34. The spatial strategy seeks to deliver the sustainable growth envisaged in the vision and strategic objectives. Following discussion at the examination hearings, it was agreed with the Council that a revised and amended Spatial Strategy was required to provide an appropriate planning framework to make it clear where future growth and development was being directed and to provide further guidance on the approach to development in the main settlements and different areas in the Borough. **MM3** is required to ensure the Spatial Strategy is justified, effective and consistent with national policy, including removing reference to the Garden Village Allocation at Jealott's Hill, and we recommend it accordingly.
35. The revised Spatial Strategy appropriately identifies a pivotal role for Bracknell Town focused on previously developed land in and around Bracknell Town Centre as a location for retail, leisure and other main town centre uses, a key location for designated employment areas and for housing. Elsewhere the Plan seeks to bring forward further opportunities for housing on a variety of previously developed and greenfield sites, bolster existing employment and support sustainable growth in and around the main settlements of Sandhurst and Crowthorne and smaller scale growth within the defined settlement areas of certain villages to support their service role. The revised spatial strategy also provides an appropriate planning framework for other areas in the Borough, including land in the countryside, Green Belt and areas covered by neighbourhood plans in the Borough.
36. The principles set out in Strategic Policy LP1 seek to guide development proposals in line with principles of sustainable development. **MM5** is necessary for Policy LP1 to be effective and consistent with national policy, in order to ensure that the policy makes the efficient use of suitable previously developed land and conserves and enhances the significance of heritage assets.
37. As submitted, the Plan did not contain a clearly defined settlement hierarchy. Following discussion at the examination hearings, it was agreed with the Council that a new standalone Settlement Hierarchy Policy was required to identify the roles of the different settlements in the Borough and provide a clear and effective framework to guide decision making on new development proposals both within and outside the defined settlements in the Borough. **MM4** would deal with this and would supersede and replace the sustainable locational principles in Policy LP2. As such, **MM6** is also required to remove Policy LP2 to ensure that the Plan is effective.
38. The defined boundaries of each settlement are set out on the Policies Map. The boundaries are soundly based, logical and justified in defining the built limits of the settlements and the land to be included or excluded, with a few exceptions. This includes several changes to the submitted Policies Map to expand settlement boundaries to include permitted and completed new developments [EXAM19 and EXAM22], which we consider are justified. In addition, a change

is proposed to include the park homes development at Warfield Park and recently permitted and implemented development adjacent to Warfield Park that forms a natural extension to the adjoining residential area on the northern eastern edge of Bracknell. These changes were consulted upon alongside the MMs. To ensure the Plan is effective, these changes will need to be made to the Policies Map when the Plan is adopted. There will be an opportunity at the next Plan review to make further changes to the settlement boundaries to reflect permitted and implemented development, where necessary.

Conclusion

39. Subject to the MMs set out above, the Plan is justified, effective and consistent with national policy in relation to the spatial strategy.

Issue 2 – Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the housing requirement?

40. As written, Policy LP3 is ambiguous and not consistent with paragraph 61 of the Framework. To ensure that it is clear on what basis any annual housing requirement is predicated and that the plan is justified, effective, and consistent with national policy a MM is required to differentiate the Local Housing Need (LHN) of 614 dwellings per annum (dpa), based on the standard method set out in the Framework and the Planning Practice Guidance (PPG), from a supply which includes an element of flexibility. This impacts on the subsequent calculation of the five-year housing supply (see below) and makes it clear that the housing requirement for the Plan period is 10,438 dwellings.
41. The Plan was submitted over two years ago. The PPG [ID:2-008-2019220] states that local authorities can rely on housing figures for up to two years from submission. The most recent affordability ratio has reduced. This has meant in the last three years, year on year, the LHN [EXAM 71] has reduced to a figure of 566 dpa predicated on the most up to date data. Consequently, given that the two- year anniversary of the submission of the Plan fell very recently, late in the examination, and as the most recent figure is lower than the original LHN of 614 dpa and it will provide a modest increase in flexibility within the housing supply, we conclude it is appropriate to continue to rely on this figure.
42. Bracknell Forest Council does not look to other authorities to take any of its housing need and plans to meet its own needs in full. However, whilst it does not share a boundary with Reading Borough, it has agreed, together with the three other Councils in the Western Berkshire Housing Market Area to help meet the 230-dwelling deficit which could arise from Reading Borough's unmet housing needs in the second half of its plan period (2013- 2036) [LP/Ev/2m].

43. Nonetheless, there is no certainty as to how many of the 230 dwellings, if any, would be required to be built within Bracknell Forest. Therefore, given the requirement to review local plans every five years, there is considerable opportunity to revise the housing figures if necessary. Notwithstanding this, a MM is necessary to the supporting text of Policy LP3 to make explicit that Reading Borough's unmet needs may need to be catered for within Bracknell Forest and that the supply has some flexibility within it, so it may be able to make some contribution to Reading Borough's needs.
44. Designated Neighbourhood Plan Areas covers the majority of the Borough of Bracknell Forest. However, as submitted Table 9 which sets out the housing to be delivered within the Designated Neighbourhood Areas just replicates the allocations which have been made within the submission Plan within Tables 7 and 8. Furthermore, during the examination of the Plan, WNP has been made (2022) which includes a site allocation. As submitted, Table 9 leads to ambiguity and potential double counting and is therefore not justified or effective.
45. Moreover, following submission of the Plan, due to the progress of time, including the making of the WNP, changes are required to the number of housing commitments as well as to the windfall calculations and to the residual housing requirement, including reference to the adoption of the WNP. Following the consultation on the MMs a further minor alteration to Table 9 in Policy LP4 has been made to make explicit that WNP has already allocated a site within the Designated Neighbourhood Area. Therefore, in order to ensure effectiveness, consistency with national policy and to ensure that the Plan is justified, modifications are required to Policies LP3, and LP4. These MMs are contained in **MM7** and **MM9**.

Conclusion

46. Subject to the MMs set out above, the Plan has been positively prepared and is justified, effective and consistent with national policy in relation to the housing requirement.

Issue 3 – Whether the Plan has been positively prepared and is justified, effective and consistent with national policy in relation to economic development?

Additional industrial, warehouse and office floorspace

47. Proportionate and up-to-date evidence [LP/Ev/3E and LP/SP/003] indicates a need for a total of 19,125 sqm of additional office floorspace and 48,875 sqm of additional industrial and warehouse floorspace in Bracknell Forest.

48. Table 12 of the submitted Plan summarises the amount of additional economic development/mixed use floorspace that the Plan proposes on allocated sites. Table 4 of the Council's latest employment monitoring [LP/Ev/3o] summarises the amount of additional office, industrial and warehouse floorspace that will be provided on sites with planning permission and completed during the Plan period. To be justified and effective, **MM21** is required to ensure that the figures in Table 12 are modified to reflect the latest evidence about the availability and capacity of sites.
49. The updated Table 12 in Policy LP11 (**MM21**) shows the proposed employment/mixed use allocations in the Plan would provide 25,960 sqm of additional office floorspace between 2020/21 and 2037, that would be more than required in the Borough (19,125 sqm). However, the latest employment floorspace monitoring [LP/Ev/3o] shows that the levels of need have increased in recent years due to losses of office floorspace to alternative uses and as such the level of additional provision is currently less than required in the Borough.
50. In relation to industrial and warehouse development, a total of 12,325 sqm of additional industrial and warehouse floorspace will be expected to be provided on commitments (9,897 sqm) and completions (2,428 sqm) between 2020 and 2022, which is significantly less than required in the Borough (48,875 sqm). However, the evidence shows there are no other suitable sites available and therefore the Plan does not allocate any new sites for such uses.
51. The evidence clearly shows that, whilst there are opportunities for additional office floorspace in and close to Bracknell town centre, the amount of land in the Borough suitable and available for new industrial and warehouse development is extremely limited.
52. It is clear that there are number of challenges in the ability to meet these needs, especially arising from the uncertainty in future demand for business, industry, distribution and storage use floorspace following the Covid 19 Pandemic, lack of commercial motivation to promote new employment sites due to higher residential values, and the loss of office to residential uses through permitted development rights. We are also aware that the removal of the Jealott's Hill allocation in Policy LP7 results in the loss of the additional Science and Innovation Park floorspace, some of which the Council envisaged could be suitable to meet some of the unmet light industrial needs in the Borough [LP/SP/003].
53. There is, however, still a large overall total stock of office space (347,000 sqm) and industrial/warehouse space (339,000 sqm) available in the Borough [LP/Ev/3o] that provides a good range and choice of sites that would be available in the short to medium terms to serve the demand for office, industrial and warehouse floorspace.

54. Given the employment policies support the retention and intensification of the existing employment areas, new office provision in and around Bracknell Town Centre and recent evidence of demand for high quality office floorspace in the longer term, the approach is considered to be both reasonable and proportionate in the circumstances.
55. To ensure the Plan is justified and effective, **MM21** is required. This modification refers to the amount of floorspace proposed, acknowledges that this is insufficient to meet identified needs in the Borough, and states that the Council will continue to be supportive of suitable proposals for employment uses in appropriate locations in accordance with the Employment Policies to address the shortfall and to carefully monitor emerging trends which could be responded to, if necessary, through a Local Plan Review.

Employment Development Policies

56. The five main designated employment areas in the Borough are identified in Policy LP10 and shown on the Policies Map. Policy LP26 aims to prevent the net loss of business, industry, distribution and storage (BIDS) uses within the designated employment areas unless there is up to date evidence to demonstrate that the site is no longer required for BIDS use, or the property has been vacant for at least 12 months and there is clear marketing evidence that it cannot be reused or redeveloped for BIDS uses.
57. Policies LP27 and LP28 provide a positive and flexible approach to the development of employment uses within and outside the designated employment areas whilst setting out appropriate criteria for assessing the potential adverse effects of employment developments in those areas. The policies give a suitable level of protection for such sites whilst providing reasonable flexibility to allow for redevelopment for other uses and complementary ancillary services.
58. However, in order to provide an overall strategic policy framework for employment development in the Plan within and outside the designated employment areas, Policies LP26 and LP27 need to be recognised as strategic policies in accordance with paragraphs 20 and 21 of the Framework and merged with Policy LP10. Consequential amendments are necessary to the policies and supporting text to reflect these changes and factual updates. **MM20**, **MM38** and **MM39** address this, and are necessary for the Plan to be justified and consistent with national policy.
59. In addition, Policy LP28 (criteria 2 and 3) that allow for complementary ancillary services and facilities within and outside the designated employment areas under specific circumstances, should also be moved into the new strategic policy for employment development and **MM20** and **MM40** deal with this.

Subject to that, the strategic approach to employment development in the Plan is justified and consistent with national policy.

60. For smaller businesses, **MM40** is required to Policy LP28 (criteria 1 and 4) and the supporting text to ensure the policy is justified and effective in terms of assessing the future flexibility for development proposals in defined settlements and alternative economic uses as part of proposals resulting in the loss of smaller business units.

Additional commercial leisure and retail floorspace

61. Proportionate and up-to-date evidence [CLP/Ev/3c and LP/SP/003] indicate no additional need for commercial leisure uses is required. This is as a result of Bracknell Forest already being well served and enhanced by the ongoing regeneration of Bracknell Town Centre, which involves a number of significant commercial leisure elements, with the opening of the Lexicon Centre and plans for The Deck.
62. The Town Centre Retail Needs Technical Review 2020 [LP/Ev/3f] indicates a need for a total of up to 9,100 sqm of additional comparison goods floorspace and 1,900 sqm of convenience goods floorspace in Bracknell. The Review identifies that the actual retail floorspace needs could be lower than the findings. There is, however, some uncertainty about the future levels of quantitative retail needs in the Borough created by the Covid 19 Pandemic, changing shopping patterns and the changes in the Use Classes Order.
63. The review also identified 11,688 sqm of vacant retail floorspace in Bracknell Town Centre in 2020 and, as such, concludes no residual need for new retail floorspace is required due to the amount of vacant and pipeline floorspace available. In order to verify the findings and address actual need, the review advises that a new household survey should be undertaken once shopping patterns have returned to normal after the Covid 19 Pandemic.
64. The Plan seeks to meet the identified need in several ways. Firstly, through the identification of the retail hierarchy and the town, district and local centre boundaries in Policy LP12 that provide some certainty regarding the areas in which retail and main town centre development will be encouraged, but also provides flexibility by potentially allowing any site within the centre to come forward.
65. Secondly, Policy LP12, the Policies Map and the Inset Maps in Appendix 3, identify a Primary Shopping Area (PSA) within Bracknell Town Centre and the defined district and local centres, which has been significantly extended to include additional areas. We consider these additional areas to be well

connected and significantly increase opportunities for new retail and main town centre use floorspace.

66. Given that no deliverable and acceptable sites were put forward during the Plan's preparation, we consider that the Council's approach to meeting the identified need to be justified. However, the Council will need to monitor the delivery of additional floorspace carefully. We are mindful that the Plan will need to be reviewed within the next 5 years, where such matters could be revisited if necessary.

Retail Policies

67. Policy LP12 sets out the Plan's approach to maintaining and improving the vitality and viability of the town, district and local centres. This includes the identification of a hierarchy: with Bracknell as the only town centre; Crowthorne and Sandhurst being district centres; and a number of smaller centres designated as local centres.
68. Having regard to the evidence, we consider the hierarchy of centres to be justified. However, some of the requirements in Policy LP12 and the supporting text need to be modified and updated, including removing reference to the new planned Local Centre at Jealott's Hill. **MM22** is necessary to ensure that these detailed requirements are justified, effective and consistent with national policy.
69. Policy LP29 sets out the Plan's approach to maintaining and enhancing the vitality and viability of Bracknell Town Centre. **MM41** is necessary to ensure that the policy and supporting text is effectively worded in terms of taking into account its role as the primary town centre in the hierarchy to reflect national policy and conserving heritage assets. Consequential amendments are necessary in the supporting text to the policy to provide further clarity on how the policy will be applied. **MM41** deals with this.
70. Policy LP30 sets out the Plan's approach to maintaining and enhancing the vitality and viability of the defined centres and the PSAs, including a 20% threshold for non-Class E uses in the PSAs, which we consider is justified. **MM42** is necessary to ensure that the policy and supporting text is effective and consistent with national policy in terms of assessing the significant adverse effect of development in Part 1 of the Policy, clarifying that Part 2 of the Policy only applies to ground floor units in the PSAs and clearly setting out the additional factors that will be used in assessing non-Class E uses in the PSAs. Consequential amendments are necessary in the supporting text to the policy to provide further clarity on how the policy will be applied. **MM42** addresses this point in the interests of effectiveness.

71. Policy LP31 sets out the Council's approach to retail and other main town centre uses outside of the designated centres. Part 1 set out the sequential test that should apply to applications for main town centres. However, as worded, the approach is not consistent with national policy and **MM43** is required to Policy LP31 to accurately reflect the sequential test in national policy and how it will be applied in the Plan.
72. Policy LP31 includes a threshold that requires development for retail or leisure uses exceeding 1,000 sqm to be supported by an Impact Assessment. However, whilst this threshold is justified in relation to Bracknell Town Centre, a modification is necessary to set out a smaller threshold of 500 sqm for developments on the edge of and outside the district and local centres. Based on the evidence provided, we consider the thresholds are justified in relation to Bracknell Town Centre, district and local centres. In addition, modifications are required to clarify how new local centres will be treated and to reflect national policy, including that the thresholds for an impact assessment relate to the gross external floorspace of development. Consequential amendments are necessary in the supporting text to the policy to provide further clarity on how the policy will be applied. **MM43** addresses these points in the interests of effectiveness.
73. Finally, in order to provide an overall strategic policy framework for retail development in the Plan, Policies LP29 and LP31 need to be recognised as strategic policies in accordance with paragraphs 20 and 21 of the Framework and the detailed wording needs to be modified. **MM22, MM41 and MM43** address this and are necessary for the Plan to be justified and consistent with national policy.

Conclusion

74. Subject to the MMs set out above, the Plan has been positively prepared and is justified, effective and consistent with national policy in relation to the approach to economic development.

Issue 4 – Whether the approach to the alteration of the Green Belt and development within it is justified, effective and consistent with national policy?

Jealott's Hill Garden Village

75. The proposed Garden Village at Jealott's Hill, Warfield sits within the Metropolitan Green Belt. Its allocation as an exemplar low carbon mixed-use development based on Garden Village principles, with associated housing of 2,000 dwellings, 8 permanent Gypsy and Traveller pitches, employment (132,800 sqm) and social and physical infrastructure, would require the release of some 115.7 hectares of land from the Green Belt. However, it is envisaged

that only 1,350 dwellings and 38,750 sqm of additional employment would be delivered over the Plan period.

76. The 2,000 dwellings which are proposed to be built as part of the Garden Village are to provide a cross-subsidy for an additional 72,200 sqm of speculative employment floorspace. We understand the Council's position set out in the submitted Plan to be that the housing and employment proposed within the Garden Village cannot be decoupled.
77. Paragraph 140 of the Framework is clear that once established Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced or justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their permanence in the long term, so they can endure beyond the plan period.
78. We have concluded elsewhere in our report that the Council can demonstrate that it can meet its housing requirement of 10,438 dwellings over the Plan period without the 1,350 dwellings to be delivered from the Garden Village Allocation. Therefore, in housing terms the identified need for development within the Borough can be met without altering the Green Belt boundary.
79. The net additional employment floorspace provided in the proposed Science and Innovation Park (S & IP) does not provide for an increase in employment floorspace for the needs of the prime research and development anchor on the site (Syngenta). However, it is envisaged that it will provide 14,300 sqm of replacement floorspace. Therefore, in purely numerical terms there is no identified need for additional employment space at Jealott's Hill to allow for the expansion of the existing operator.
80. We are aware that the Council envisaged that approximately 15,000 sqm of the additional 72,200 sqm S & IP floorspace could be suitable to count towards meeting some of the unmet light industrial needs in the Borough.
81. However, as the Plan does not specifically allocate the precise mix and type of employment floorspace to be built as part of the S & IP, there is no certainty that this generic, non-specialist, light industrial floorspace would have been delivered on the site. In any event, as set out above, the employment policies and other supporting mechanism in the Plan would provide alternative means to help address the unmet industrial needs in the Borough. Therefore, with reference to employment land there is no need to alter the Green Belt boundary.
82. Having considered the evidence and what we have heard at the hearings it is clear the overarching rationale, or need for the allocation is to enable the globally significant established research facility at Jealott's Hill, which is part of a

large international company, the opportunity to benefit from an open innovation environment within the AgriTech sector and related emerging industries. This is considered vital to support, and thereby ensure, its long-term retention and continued investment at this location and it is argued within the United Kingdom. It is contended without the proposed housing, that the proposed speculative development would not be viable given a £68 million funding deficit.

83. As such it was argued by the Site Promoters and Council that there is no reasonable option for meeting the need identified to provide the benefits set out above, other than at a proposed Garden Village centred on the Jealott's Hill site.
84. We are aware of the cutting-edge scientific research which takes place at the Syngenta facility at Jealott's Hill and recognise the importance of existing and future collaboration within the AgriTech sector and related emerging industries to this established research establishment. We note the buildings on site are of varying ages and condition, consistent with the long history of Syngenta on the site.
85. Nonetheless, Syngenta already works with several higher education institutes and other organisations across the country and globally which are not co-located on the site. There is no realistic suggestion, were the proposed S & IP not to be forthcoming, this collaboration would cease.
86. Evidence was presented by the Site Promoters regarding the potential demand from interested third party companies for floorspace within the S & IP and the scale of the floorspace required to make a successful S & IP, based on a comparison with other S & IPs' business models around the UK. However, the AgriTech industry and those involved in the related Professional, Scientific and Technical Services in the UK is relatively small. Based on the evidence provided we are not persuaded that there is a qualitative need to justify the scale of the speculative AgriTech floorspace (72,200 sqm) proposed in the S & IP in this location.
87. In addition, there may be further opportunities, for further intensification of the existing site consistent with its location within the Green Belt (see below). These could go some way towards realising the intangible benefits from collaborative working and encourage investment in the fabric of the site. Indeed, during the hearings [EXAM 6] we were made aware of a BioStar planning application for a £60 million scheme within the existing site.
88. We accept that there is a risk, as in any other commercial international business, that a strategic decision may be taken to relocate the research facility outside of the country and that there may be financial incentives so to do.

89. However, there is a highly educated and specialised work force linked to the site, embedded within the local community and the wider southeast and mature relations with universities and commercial organisations across the UK.
90. In addition, the existing specialist buildings on site include the largest complex of experimental glasshouses in the UK which, if they were to be replaced wholesale, are estimated to cost in the quantum of £200 million. This all suggests that such a move would not be lightly undertaken. However, we note that there is no longer any functional link between the research work at Syngenta and the surrounding agricultural landscape.
91. Great importance has been given to the unquantified, and indeed, unquantifiable added value to the future success of the business of being in physical proximity to other related, and complementary research and innovation sectors. Consequently, even if we were to accept the disputed assessment relating to the viability of the proposed S & IP, and that the only way of raising revenue for the commercial enterprise would be through cross-subsidy from a housing scheme that would require a substantial release of Green Belt land, we are not persuaded that any future investment decision would be solely driven by this funding gap, nor that this model is pivotal to Syngenta's future at the site. Therefore, taking the above into account we do not conclude that the Garden Village allocation is a fundamental requirement to facilitate the long-term retention of the Jealott's Hill research facility in Bracknell Forest.
92. Conversely, were the Garden Village allocation to be implemented, this could not guarantee the long-term future of the Syngenta site in Bracknell. This would be substantively different to scenarios where S & IPs have direct links to the intellectual capital of universities, such as at Oxford and Cambridge, or national research institutes.
93. We are aware that following the removal of the allocation which included eight gypsy and traveller pitches that the identified need for gypsies and traveller pitches would not be directly catered for over the plan period. However, as set out below we are confident that with the planning application, which is currently being determined, together with Policy LP25, as modified, that the needs for gypsies and travellers are appropriately addressed in a manner consistent with the Framework.
94. Given the above, which demonstrates that there is no need for further housing or employment, nor that the needs associated with the Jealott's Hill research and development site are sufficiently compelling to establish a need for changes to the Green Belt, we have concluded that exceptional circumstances have not been fully evidenced or justified to remove 115.7 hectares from the Metropolitan Green Belt.

95. Additionally, we agree with the Council's joint Green Belt review [CLP/Ev/5c] which concludes that the Garden Village would be located on land which makes a contribution to assisting the countryside from encroachment and a limited contribution to the other four purposes of the Green Belt as set out in paragraph 138 of the Framework.
96. Overall, this means that these parcels continue to actively contribute to the purpose of the Metropolitan Green Belt, notwithstanding the existing buildings at Jealott's Hill which clearly have an urbanising impact.
97. Similarly, the development of the Garden Village allocation would result in a significant impact on the openness of the Green Belt through the development of around 2000 new homes, associated infrastructure and employment uses.
98. Moreover, the parcels of land which make up the site allocation sit within and form part of an attractive agrarian landscape, albeit the existing Jealott's Hill buildings have an urbanising influence as confirmed in the Addendum to the Landscape Sensitivity Appraisal [LP/Ev/5g].
99. Whilst new belts of planting would create a long-term defensible edge to the east and west of the site [LP/Ev/5i para 2.12], it would be inevitable that the landscape character of the site would alter.
100. As, for the most part, the proposed boundaries to the Green Belt would not follow physical features that are readily recognisable, and therefore are unlikely to be permanent, they would not be consistent with paragraph 143 of the Framework.
101. Therefore, from our consideration of the evidence and our site visits we are clear that the scale of the proposed physical development, including the extensive proposed highway works would result in significant landscape harm in a sensitive location. Moreover, the extensive Country Park and proposed belts of planting would alter the appearance of the existing attractive agrarian landscape with a subsequent change in character.
102. The proposed Garden Village would, of necessity, have a significant and unavoidable impact on openness and would result in a substantive encroachment into the Green Belt with an adverse impact on a sensitive agrarian landscape. It would also result in less than substantial harm to the significance of the setting of nearby designated heritage assets, as agreed in the SoCG between the Council and Site Promoters [LP/CG/012].
103. It is proposed to create a new sustainable community, and to improve the walking and cycling network and the frequency of the existing bus service,

including the introduction of a new Demand Responsive Transport service. However, we are not persuaded that the location of the Garden Village would be such that there would be a realistic choice of means of transport that would significantly reduce the need to travel by private car.

104. Consequently, taking all of the above into account, including our earlier conclusion that the exceptional circumstances required by paragraph 140 of the Framework have not been evidenced for the Plan to be justified, and consistent with national policy, **MM12**, **MM1** and **MM3** are required to delete the Garden Village allocation Policy LP7, from the Plan and modifications made to the Spatial Strategy, Vision and Policies Map.

Green Belt Policy

105. Policy LP 36 seeks to ensure that development is determined in line with national policy as set out in the Framework. However, as submitted the reference to appropriate and inappropriate development is ambiguous and is not consistent with national Green Belt Policy. Therefore, the sub sections under criterion 1 should be deleted.
106. Criterion 2 of Policy LP 36 refers to Green Belt villages where limited infilling will be permitted. However, Policy LP20 of the Plan provides a list of defined villages for the purposes of limited infilling in line with criterion e) of paragraph 149 of the Framework, the boundaries of which are identified on the Policies Map, but which remain washed over by the Metropolitan Green Belt.
107. The boundaries and villages have been identified following a coherent and consistent approach [LP/EV/5d] taking local circumstances into account. As such, we consider this element of the policy to be positive and justified and provides clarity at a local level when determining planning applications.
108. In line with our conclusions with regard to Jealott's Hill Garden Village above, and the associated MMs, it is necessary to recognise the importance of the Jealott's Hill International Research Centre through the inclusion of supporting text which makes clear the continued investment at the site in a manner consistent with its location within the Metropolitan Green Belt will be supported.
109. To ensure that the Green Belt policy of the Plan is effective the list of villages where limited infilling can take place should be included within Policy LP36 and Policy LP20 deleted. **MM31**, **MM48** and **MM71** are required to delete Policy LP20, incorporate it within a wider overarching Green Belt policy and to amend the wording of the policy, supporting text, and Appendix 4 of the Plan and to include reference to the importance of Jealott's Hill International Research Centre.

Conclusion

110. Therefore, subject to **MM1, MM3, MM12, MM48, MM31** and **MM71** the approach to the Green Belt and development within it is justified, effective and consistent with national policy.

Issue 5 – Whether the proposed residential/mixed use allocations and employment/mixed use allocations are justified, effective and consistent with national policy?

Strategic sites

Policy LP5: Land at Beaufort Park, Nine Mile Ride, Bracknell

111. The site is situated to the north of Nine Mile Ride on the south-western fringe of Bracknell Forest. The former Met Office headquarters, which is now a housing site, is surrounded by the allocation. Buckler's Park development lies on the other side of Nine Mile Ride which will provide a school, community centre and retail units as part of the redevelopment of the former Transport Research Laboratory. To the east is the Great Hollands Recreation Park and established housing. To the north is the golf course and cemetery. To the west lies mostly undeveloped land between Bracknell and Wokingham. Pedestrian and cyclist links are to be provided along South Road. The site is a mix of woodland, both deciduous and managed coniferous, and heathland. A gas pipeline runs along the south of the site.
112. The allocation measures around 32.5 hectares and is identified for the provision of 226 housing units together with a mix of landscaping, the location of which will be heavily influenced by the existing ecology and landscape of the site.
113. In order for the Plan to be effective, given our conclusion relating to the soundness of the strategic gap policy, LP5 requires amending to ensure that the proposed development is designed to retain the setting and distinctive character of Crowthorne, Wokingham and Bracknell.
114. In addition, given the high ecological value of parts of the site and the proximity to the Thames Basin Heaths SPA, detailed consideration of the ecological significance of the site is necessary to ensure that the significant ecological constraints of the site and wider area are not compromised. Therefore, modifications should be made to enable the policy to be effective.
115. The site is subject to a raft of other detailed policy requirements which, in the interests of effectiveness, require modification. These include, amongst others, the provision of older person's housing integrated within the wider scheme, to contribute to the specific needs of the Borough, the extent and nature of which

would be addressed at the planning application stage; Open Space of Value; and recognition of the importance of the existing trees and woodland.

116. Moreover, due to the proximity of the wastewater treatment plant it is important that any proposal is supported by an appropriate odour impact assessment.

117. Also, it is vital that the proposed development results in a well-designed development, which provides a high-quality environment and living conditions for both the new residents and the wider community with good transport links. This will be achieved by the development meeting the policy as proposed to be modified and the provision of a master plan as set out in Policy LP15 as modified by **MM26** (see below).

118. The site is in single ownership and there have been two unsuccessful planning applications, supported by detailed technical supporting information, including an appeal on the site¹. However, whilst none of the applications have been successful, these have failed on technical issues which do not lead us to doubt that with an appropriately designed scheme development could be successfully delivered and would result in a sustainable and viable development.

119. The site had been envisaged to be delivered within the first five years of the plan. However, due to the uncertainty as to when a planning permission would be forthcoming given the refusal of permission and subsequent appeal, we have taken a conservative approach and have moved the delivery of housing outside of the five-year housing supply set out in **MM69**. It is anticipated that the site could start to deliver in 2028/29.

120. Overall, subject to **MM10** the strategic allocation covered under Policy LP5 is well placed to contribute to a sustainable pattern of development and would make a significant contribution to the supply of housing and affordable homes and make a positive contribution to the wider ecology of the area and protect and enhance the distinctive character of Bracknell and Crowthorne.

Policy LP6: Land East of Wokingham Road and South of Dukes Ride (Derby Field), Crowthorne

121. The site provides playing fields for Wellington College. It is bound by the railway line which runs on a north south axis, Dukes Ride to the north and Wokingham Road to the west. Currently, it plays an important role in the setting of the settlement of Crowthorne.

122. The allocation measures around 8.8 hectares, with a small segment lying within the adjacent local authority of Wokingham Borough Council. It is identified

¹ APP/R0335/W/23/3314630

amongst other uses for the provision of 217 housing units, older persons' housing as part of the scheme, at a scale and form to contribute to the wider needs of the Borough. The policy as submitted would amongst other considerations, require the provision of parking spaces to serve Crowthorne Rail Station, green infrastructure, Open Space of Public Value, a Multi-use Games Area and a play area on site, as well as measures to avoid and mitigate harm to habitat sites.

123. We are aware that the site allocation would result in building on the existing playing fields. However, the criteria of the policy are sufficiently robust to ensure that the loss of the playing fields on site will be compensated effectively in a manner consistent with paragraph 99 of the Framework.
124. Nevertheless, as worded the policy is inflexible, such as specifying the type of active recreation which will be required to be provided on site. Moreover, it is not effective in relation to detailed development management considerations such as the requirement to provide a masterplan and the provision of Suitable Alternative Natural Greenspace (SANG). These require strengthening and clarifying, or, where solely referenced in the supporting text being brought into the upper-case policy where it does not lead to undue duplication with generic development policies elsewhere within the Plan.
125. In addition, for the Plan to be effective, given our conclusion relating to the soundness of the strategic gap policy, the supporting text requires amending to stress the role of the site in protecting and enhancing the setting of the settlement of Crowthorne.
126. The site-specific requirements relating to the provision of off-site compensatory sporting facilities and the habitat requirements of the site are being actively addressed by the landowner. Therefore, the Council considers that it would be realistic for the site to start delivering 20 dwellings in 2027/2028. This position is confirmed by the SoCG between the landowner and Council [LP/CG/010]. As such, we are content that as modified, Policy LP6 is a viable and deliverable site.
127. Overall, subject to **MM11** the strategic allocation covered under Policy LP6 is well placed to contribute to a sustainable pattern of development and would make a significant contribution to the supply of housing and affordable homes and make a positive contribution to the provision of active space for recreation both to serve Wellington College and the wider community.

Policy LP8: The Peel Centre and The Point, Skimped Hill Lane, Bracknell

128. The site is situated on the south-west edge of Bracknell Town Centre and comprises retail warehousing, a supermarket, leisure facilities and associated

surface level car parking. It measures around 6.5 hectares and is identified for a mixed-use development, including about 900 residential units, of which about 600 are to be delivered in the Plan period, and about 3,000 sqm of floorspace for a supermarket, to replace the existing one on the site.

129. The site is within the single ownership of a development company. A significant amount of technical work has been undertaken to identify and assess how any constraints on the site can be addressed. The site identified in Policy LP8 is subject to detailed policy requirements which address a range of matters such as contamination, air quality, flood risk, ecology, vehicular access and improvements to the wider highway network. Some of these requirements in the Policy and supporting text need to be modified and updated, including securing an air quality assessment and acoustic report to assess the impacts on the health of residents and adequate wastewater capacity. **MM13** is necessary to ensure that these detailed requirements are justified, effective and consistent with national policy.
130. In terms of securing a sustainable pattern of development, the site would be well-related to day-to-day services and facilities in Bracknell Town Centre and is close to a range of employment opportunities. Opportunities exist to improve pedestrian, cycling and public transport links as part of the development. Affordable housing and an element of specialist accommodation for older people will be delivered to contribute to the specific housing needs of the Borough. To help support the continuing regeneration and viability of the Town Centre, the proposed allocation includes about 500 sqm of gross floorspace for offices and about 500 sqm of gross floorspace for other commercial development, in addition to the supermarket.
131. The deliverability of the proposed allocation has been questioned given the active retail/leisure uses on the site and the lease arrangements for some of the existing retail units. Based on the known infrastructural requirements and capacity, the landowner has confirmed that the development would be phased and is shown as being delivered later in the Plan period and beyond. It is anticipated that the development would commence in 2031/32 with an output of 100 residential units followed by 100-140 residential units per annum from 2033/34. **MM13** addresses the phasing of the site and is required in the interests of effectiveness. The strategic site is, therefore, considered to be viable and deliverable/developable during the Plan period.
132. Overall, the strategic mixed-use allocation covered under Policy LP8 is well placed to contribute to a sustainable pattern of development and would make a significant contribution to the supply of housing and affordable homes together with the provision of economic development uses to support the vitality and viability of Bracknell Town Centre.

Eastern Gateway Development Area (Town Square), Bracknell

133. The site is situated within Bracknell Town Centre and comprises the original New Town's civic quarter, including the former Council offices, existing library and Town Square. It is identified for a mixed-use development, including about 210 residential units and about 3,160 sqm of net office floorspace, about 8,600 sqm of floorspace for Class E uses and a Class C1 hotel use. During discussions at the hearing session the Council put forward some amendments to extend and enlarge the site (BRA7) to include additional land within their ownership. This was considered necessary to provide greater flexibility for delivering the development in this location. **MM14** addresses this point in the interests of effectiveness.
134. The site is within the single ownership of Bracknell Forest Borough Council and is being promoted by the Council who has undertaken some technical work, including masterplanning, to identify and assess how any constraints on the site can be addressed. The site identified in a new Policy is subject to detailed policy requirements which address a range of matters such as ecology, flood risk, access and the reprovision of the Council's library either on site or elsewhere in the Town Centre. Some of these requirements in the Policy and supporting text need to be modified and updated, including securing SANG and Strategic Access Management and Monitoring (SAMM) measures, public realm improvements and green infrastructure. **MM14** is necessary to ensure that these detailed requirements are justified, effective and consistent with national policy.
135. In terms of securing a sustainable pattern of development, the site would be well-related to the services and facilities in the Town Centre and is close to a range of employment opportunities. Opportunities exist to improve pedestrian links, public open space and green infrastructure in order to provide a high-quality public realm as part of the development, including the Town Square. To help support the continuing regeneration and viability of the Town Centre, the proposed allocation includes a range of economic development uses together with the opportunity to retain and refurbish Easthampstead House (former Council offices) for continued employment use or residential or a hotel use.
136. Based on the known infrastructural requirements and capacity, the Council has confirmed that the development would be delivered later in the Plan period. It is anticipated that the development would commence in 2030/31 with an output of 30 residential units followed by 60 residential units per annum thereafter. The strategic site is, therefore, considered to be viable and deliverable/developable during the Plan period.
137. Overall, the strategic mixed-use allocation in the Eastern Gateway Development Area is well placed to contribute to a sustainable pattern of development and would make an important contribution to the supply of housing and affordable

homes together with the provision of new economic development to support the vitality and viability of Bracknell Town Centre.

Southern Gateway Development Area, Bracknell

138. The site is situated within Bracknell Town Centre and comprises the existing bus station, adjacent to Bracknell's main train station and, formal public open space including Jubilee Gardens and Station Green. It is identified for a mixed-use development, including about 600 residential units and about 22,300 sqm of office floorspace. During discussions at the hearing session the Council put forward some amendments to amalgamate a number of smaller sites (BRA14, BRA15 and BRA17) into a single strategic site and enlarge it to include additional land within their ownership. This was considered necessary to provide greater flexibility for delivering the development in this location. **MM15** addresses this point in the interests of effectiveness.
139. The site is within the single ownership of Bracknell Forest Borough Council and is being promoted by the Council who has undertaken some technical work, including masterplanning, to identify and assess how any constraints on the site can be addressed. The site identified in a new Policy is subject to detailed policy requirements which address a range of matters such as contamination, air quality, flood risk, ecology, built heritage and improvements to the wider highway network. Some of these requirements in the Policy and supporting text need to be modified and updated, including securing On-site Open Space of Public Value, public realm improvements and measures to deal with the level changes across the site. **MM15** is necessary to ensure that these detailed requirements are justified, effective and consistent with national policy.
140. In terms of securing a sustainable pattern of development, the site would be well-related to the services and facilities in Bracknell Town Centre and is close to a range of employment opportunities. Opportunities exist to improve pedestrian, cycling and public transport links as part of the development, including the existing bus station as a multi-modal public transport hub. The public open space would be reconfigured and enhanced in order to provide new green infrastructure to achieve net environmental gains, including a new community square and a high-quality public realm as part of the development. To help support the continuing regeneration and viability of the Town Centre, the proposed allocation includes about 1,500 sqm of unrestricted floorspace for Class E uses, in addition to the new office floorspace.
141. Based on the known infrastructure requirements and capacity, the Council has confirmed that the development would be delivered later in the Plan period. It is anticipated that development would commence in 2030/31 with an output of 30 residential units followed by 60-120 residential units per annum thereafter. The strategic site is, therefore, considered to be viable and deliverable/developable during the Plan period.

142. Overall, the strategic mixed-use allocation in the Southern Gateway Development Area is well placed to contribute to a sustainable pattern of development and would make a significant contribution to the supply of housing and affordable homes together with the provision of new economic development to support the vitality and viability of the Bracknell Town Centre.

Non-Strategic Allocation Sites

143. A number of smaller, non-strategic residential/mixed use site allocations have been identified through the Strategic Housing and Economic Land Availability Assessment. These are identified within Binfield (BIN5, BIN12, BIN20), Warfield (WAR9) and Winkfield (WINK15) and are contained within Policy LP4 and set out on the Policies Map.
144. We have carefully considered whether the individual allocations within the Plan, including where they are for a mixture of uses, are justified, effective, and consistent with national policy, including whether the individual sites have been underpinned by proportionate evidence. The SA has appraised these sites individually [LP/Ev/1e, EXAM64] and demonstrates that they would contribute to the most appropriate strategy.
145. In all cases, the sites identified in Policy LP4 are subject to detailed policy requirements set out in Appendix 2 in the Plan. These would ensure suitable landscaping and screening where appropriate and address a range of other matters such as flood risk, contamination, air quality, noise, access, built heritage, biodiversity and green infrastructure. Some of these requirements need to be modified and updated, including ensuring a well-designed landmark building is provided on one of the main approach roads into Bracknell on site allocation BIN20. **MM70** addresses this and is necessary to ensure that these detailed requirements are justified, effective and consistent with national policy.
146. Based on the known infrastructure requirements and capacity, the relevant landowners/developers for each of the sites have confirmed they are available and can be delivered within the next five years. The non-strategic sites are all within a suitable location and based on the evidence provided, are considered to be viable and deliverable/developable during the Plan period. In our view, other than those referred to below, the site allocations are justified.
147. **MM9** and **MM70** would delete the non-strategic residential site allocations at land opposite Popes Manor, Murrell Hill Lane (BIN 10b), and two sites on Lower Church Road (SAND 9 and SAND 10), due to their potential adverse impacts on the setting of nearby designated heritage assets. This main modification is necessary to ensure that Policy LP4 and the site allocations are justified, effective and consistent with national policy with particular reference to conserving and enhancing the historic environment (see below).

148. Development has commenced at the Former Bus Depot, Bracknell (BRA12), Coopers Hill (BRA13), Turnpike Road (BIN16) and London Road (WINK34). Therefore, the sites are committed development and no longer available as allocations. Consequently, for the BFLP to be effective, these non-strategic site allocations should be removed through **MM9** and **MM70**.

Conclusion

149. Overall, subject to the MMs set out above, the proposed residential/mixed use allocations and employment/mixed use allocations are justified, effective and consistent with national policy.

Issue 6 – Whether the Plan is justified, effective and consistent with national policy in relation to meeting housing needs, including specialist housing, and Gypsy, Traveller, and Travelling Showpeople Provision?

Affordable housing

150. LP/SP/001 states that there is an annual requirement for 338 affordable homes per annum. However, Policy LP9 sets out the Council's approach to the provision of affordable housing which would not meet this annual figure. Nonetheless, overall, the affordable housing target of 35% of new gross development has been shown by the evidence to be viable [LP/Ev/4t].

151. However, we have noted that the viability of town centre sites is less strong. Nevertheless, we are aware that nearly all the town centre allocations are on land owned by the Council and that sites are being actively developed within the town centre.

152. Nonetheless, to enable the policy to be effective **MM16** is required so that the policy is clear in setting out how affordable housing will be considered in the context of applications for older person's housing where the viability of standalone schemes may vary; housing within the town centre on less viable sites where flexibility of tenure may be required to enable the realisation of the 35% affordable housing; and in referencing that the Council may be willing to realise lower land values on sites it owns, so as to meet the 35% affordable housing target. As such, the Council's strategy for affordable housing is effective and justified whilst being flexible enough so as not to prejudice the delivery of development.

153. **MM9**, **MM10**, **MM11**, **MM13**, **MM14**, **MM15** and **MM70** are required to enable the policies to be effective by making explicit that the target for housing sites will be 35% affordable housing of a proposed development, rather than relying on a specific figure on individual sites.

Housing Mix

154. Policy LP24 Housing Mix is overly prescriptive and inflexible as it requires individual developments to meet housing needs as set out by the latest housing need assessment. As such it is not effective. Therefore, **MM36** is required to ensure that the housing mix of developments are informed by the latest evidence of the needs of different groups.

Custom built housing

155. The Framework requires policies to reflect the needs of those who wish to commission or build their own homes. Section 7.10 of the Plan, together with detailed elements of Policies LP5, and LP6 require to be amended, through **MM10**, **MM11** and **MM18** to ensure that the policy is effective by making it clear on what basis developers are required to make available plots for custom or self- build. The Housing Needs Assessment (HNA) [LP/Ev/2g] states that there are at least 55 individuals who are on the self-build and custom housing register. If all the plots on allocations identified for self-build and custom housing were to be realised this target would be met.

Adaptable and accessible housing

156. The HNA is clear that around 5% of new build should be wheelchair user homes. However, as submitted Policy LP22 is not clear how the more specialist category of adaptable dwellings is to be allocated and how the policy is to be implemented. As such, **MM34** is required to ensure the policy is effective.

Older person's and specialist housing

157. The Framework and the PPG are clear that local authorities should plan for older people with the requirement being described as 'critical' [PPG: ID: 63-001-20190626]. As submitted the Plan does not sufficiently articulate the need to provide older person's housing within the Vision and Objectives. As such amendments are required to **MM1** and **MM2** to recognise the importance of older persons' housing to the Plan.

158. The Council's evidence demonstrates that the overall viability of developments would not be compromised with older persons' housing as part of a wider mix development [LP/Ev/4t]. Given the variety of older person's housing requirements, including residential nursing homes and the difficulties in forecasting demand, to make the plan justified and effective amendments are required to update and make explicit that the Local Housing Need figures for older people's housing set out in the Plan are indicative.

159. This is because the demand for older person's housing is peculiarly dependent on personal circumstances; the fast-evolving nature of the sector, and the

subsequent difficulties in forecasting demand which may increase in response to new models of housing coming onto the market. Therefore, in the context of an ageing population, the indicative figures should not be taken as a ceiling on older person's housing development.

160. Nonetheless the Council is not required by national policy to allocate specific sites solely for older person's housing [PPG: ID: 63-013-20190626]. However, within the Plan as submitted, specialist older person's housing is required to be integrated and delivered within the strategic site allocations and is suitable on windfall sites within the settlement boundaries. To ensure that the need for older person's housing is recognised and for the Plan to be effective, a new stand-alone policy is required setting out the Plan's strategy for the delivery of older person's housing. Similarly, to be effective, the specific provision of older person's housing is required at the three strategic site allocations at a quantum, and tenure to be agreed as part of the master planning process. Consequently, **MM17**, **MM10**, **MM11** and **MM13** are required for the plan to be effective, justified, and consistent with national policy.
161. As submitted the Plan is not sufficiently clear as to how the loss of specialist accommodation is to be determined. Therefore, **MM33** is required to Policy LP21, which relates to the protection of existing housing stock to ensure that the policy is effective in preventing the inappropriate loss of valuable specialist accommodation to other uses. Similarly, Policy LP23 Specialist Housing requires amending through **MM35** to take a positive approach to ensure that there is a clear criteria-based approach to determining planning applications for all forms of specialist housing.

Gypsies and Travelling Showpeople and other caravan dwellers

162. The housing requirement for Gypsies and Travellers and Travelling Showpeople for Bracknell Forest has been set out within the Housing Background Paper [LP/SP/001] predicated on the Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (2017). A more up to date survey was published in March 2022 [LP/Ev/20] following the submission of the Plan in 2021.
163. In addition, in December 2023 a revised version of the Planning Policy for Traveller Sites (PPTS) was published to bring it into line with the Smith v SSLUHC & Ors (2022) EWCA Civ 1391 judgment 8, which the Court of Appeal issued at the end of the Stage 2 hearings. At the time, we gave the Council the opportunity to consider if the judgment had any relevance to our examination of the Plan. The Council's response [EXAM47a] was clear that it did not. We concur that whilst the Council's evidence differentiated between those who met and did not meet the previous definition set out in the PPTS, the Plan had always planned to meet the needs of all those who culturally identified as belonging to the Gypsy and Traveller communities. Nonetheless, to ensure that

the Plan is both consistent with the current PPTS and reflects the most recent evidence, **MM19** is required to provide the most recent assessment of need, together with the most recent five-year housing requirement for Gypsies and Travellers and to recognise the revised national policy. Furthermore, **MM73** is required to the Glossary to ensure that the definitions are consistent with the up to date PPTS.

164. The conclusions of the GTAA set out a need for five Travelling Show person plots over the study period 2021/22 to 2036/37. There is demand for four additional authorised Gypsy and Traveller pitches in the first five years of the plan, and another four in the latter part of the plan, as well as a need to work proactively to provide transit sites.
165. The GTAA suggests that the demand for a further five additional Travelling Showpeople plots could be accommodated through intensification of existing sites and bringing vacant plots into use. We have no evidence before us to suggest otherwise.
166. We are aware that **MM12**, the removal of the Jealott's Hill allocation Policy LP7, results in the loss of the allocation of eight permanent pitches for Gypsies and Travellers which would have required the alteration of the Green Belt. Nonetheless, we note that the Council at the time of the examination was determining a retrospective planning application (19/00491/FUL) for a non-authorised site with four pitches, to which there is no, in- principle, objection. If approved, it would meet the immediate need for authorised pitches within the Borough. Yet, there would remain an outstanding need for a further four pitches from the period 2026/27 onwards and the need would not be met in full through allocations within the Plan.
167. Nonetheless, as the need early in the plan can be satisfied by the retrospective application set out above and given the relatively small outstanding need for four pitches in the later part of the Plan period, we have taken a pragmatic approach to rely on Policy LP25 which is a criteria-based policy. As such, any new sites which come forward are dependent for their delivery on Policy LP25. However, as worded, this is overly restrictive and does not adequately ensure that the living conditions of the travelling communities are appropriately protected, and that the need for transit sites is acknowledged, nor is it sufficiently clear that the policy is applicable to those who identify as part of the Gypsy and Traveller communities, consistent with the most up to date definition, as set out in Annex 1 of the PPTS. Therefore, **MM37** is required to make the policy effective and consistent with national policy.
168. We note the recommendation of the author of the GTAA [LP/Ev/20] that the GTAA be reviewed every five years. This is particularly important given the reliance on the approval of the retrospective planning application.

Conclusion

169. Subject to the MMs identified above, the Plan's approach to meeting housing needs, including specialist housing, and Gypsy, Traveller, and Travelling Showpeople provision, is justified, effective and consistent with national policy.

Issue 7 - Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the approach to housing land supply?

170. As set out above, and as amended by **MM7**, the housing requirement is a figure of 10,438 dwellings to be completed over the Plan period.

171. Taking into account housing completions, a reasonable windfall assumption, the sites already allocated within the Site Allocations Local Plan (2013), together with homes approved subject to Section 106 agreements, the Council can demonstrate a realistic committed housing supply of 9,110 dwellings. Not all of these sites will meet the Framework definition of deliverable, but if not, we are confident that they are developable over the Plan period. This leaves a further requirement of some 1,328 dwellings to be allocated and to come forward over the Plan period to meet the minimum 10,438 figure.

172. Following the examination of the Plan, amendments have been made to the housing supply, including the removal of the major Jealott's Hill allocation together with the three smaller allocations at Popes Manor, Murrell Hill Lane (BIN 10b) and the two sites on Lower Church Road (SAND 9 and SAND 10).

173. The housing trajectory within the Plan as submitted is required to be updated to accurately reflect the changes to the number and contributions derived from the housing allocations set out above based on the position as of April 1 2023, and following our discussions at the hearings where we took a conservative approach to the bringing forward of sites such as the Beaufort Park, Nine Mile Ride, Bracknell (BRA4) .

174. **MM69** provides a revised housing trajectory. This demonstrates that the Plan can provide 11,190 dwellings over the Plan period which gives a significant cushion of over a year's housing supply of 752 dwellings. Beyond the Plan period a further 300 dwellings could be delivered as part of the redevelopment of the Peel Centre, The Point and Skimped Hill Lane, allocation in Bracknell (BRA18).

175. As such, even were Bracknell Forest to take on all of Reading Borough's unmet needs of 230 dwellings, it would still have headroom of 522 dwellings during the Plan period. Therefore, we are confident that the Plan provides sufficient

housing to meet Bracknell Forest's needs and would be consistent with the Government's objective of significantly boosting the supply of homes.

176. The Framework requires that at least 10% of the housing requirement should be delivered on sites of less than one hectare. This equates to 1,044 dwellings over the Plan period. As a result of the removal of small allocations from the plan and the consolidation of smaller sites into larger allocations, only one site is identified which meets this criterion. However, due to existing commitments and completions on small to medium sites the Council is still able to demonstrate at least 1,333 dwellings to be delivered on small to medium allocations over the Plan period. Therefore, at 13% of supply, the requirement of paragraph 69 of the Framework is comfortably reached.

Five- year supply

177. The Council has provided the most up to date housing completions as of 1 April 2023 [EXAM 66]. As such, the completion figure for the first three years of the Plan period comes to 2,189 dwellings, which when compared to the three-year requirement at 1,842 dwellings (614 x 3) results in a surplus of 347 dwellings at the beginning of the Plan period.

178. The housing requirement as amended is that Bracknell Forest must provide a minimum of 10,438 dwellings over the Plan period. There is nothing in the Framework or PPG to suggest that this surplus of 347 dwellings, against the annualised housing requirement (614 X 3 or 1, 842 dwellings) over the first three years of the plan cannot be offset against the five-year requirement. This would result in a net figure of 2,723 dwellings, With the addition of a 5% buffer the five-year requirement comes to 2, 859 dwellings or 572 dwellings per annum. However, for the avoidance of doubt, it should be noted that this five-year housing requirement for deliverable housing would not act as a ceiling on the potential numbers of homes delivered in line with the Plan's strategy, rather it demonstrates whether the Plan is delivering the quantum of housing set out within its housing requirement for the Plan period.

179. Therefore, as a result of the amendments to the housing trajectory following the examination (see above), the five-year supply of deliverable housing would be some 3,048 dwellings. As such, with a requirement of some 2,859 dwellings, Bracknell Forest can demonstrate 5.33 years of deliverable housing and therefore **MM8** and **MM69** are required for the plan to be justified and effective in this respect.

180. Were the Plan to be adopted in the monitoring year 2024- 2025, the updated trajectory forecasts a further 947 dwellings to have been completed in the period 2023- 2024. As such, we are confident that the Plan would again provide a comfortable five-year supply of deliverable housing.

Conclusion

181. Subject to the MMs identified above, the Plan's approach to housing supply matters is positively prepared, justified, effective and consistent with national policy.

Issue 8 - Whether the Plan is justified, effective and consistent with national policy in relation to Development in the Countryside and the Separation of Settlements?

Areas of Separation

182. Policy LP19 relates to the designation of strategic gaps and a green wedge which are identified on the Policies Map, whilst Policy LP38 sets out the policy to be applied in ensuring that the physical and visual separation between identified settlements is not unacceptably reduced. The objective of which is the avoidance of coalescence between settlements and the maintenance of a gap between Binfield and the Blue Mountain allocation, which form part of the larger urban area of Bracknell.

183. However, there is no specific support for such an approach within the Framework for development outside of settlements, indeed the Council's own landscape consultants [LP/Ev/5b] consider that it would be sufficient to rely on a policy which relates to the updated Landscape Character Assessments as a means of protecting the separation between settlements. This approach would be flexible and would not only be applicable to areas which have been identified as strategic gaps on the Policies Map. As such, it would result in a more nuanced, flexible and effective means of protecting the setting and character of settlements consistent with the various landscape characters of the Borough. It would also avoid confusion given the number of policies controlling development outside of settlements.

184. Similarly, we have not found there to be any justification for the green wedge, particularly given that a Golf Entertainment Centre and a secondary school together with a SANG fall within it. We are confident, were further proposals for development to come forward in the area covered by the green wedge that the Plan as modified provides a robust array of development management policies by which any development would be determined which would avoid most of the harms envisaged by Policies LP19 and LP38 without unnecessarily restricting appropriate development.

185. Therefore, for the Plan to be effective and justified, Policies LP19 and LP38 should both be deleted through **MM30** and **MM50**.

186. Policy LP37 Landscape Character sets out how landscape character will be considered in determining applications outside of defined settlements. However, in the context of **MM30** and **MM50** this should be modified to ensure that the Plan is more effective by strengthening the importance of Landscape Character Areas in relation to the setting and distinctive characteristics of settlements in determining applications. This would require that the inset maps are included within a new appendix and that the landscape character areas are referenced within the policy text with other consequential amendments as **MM49**. Further modification **MM47** is required to the Plan to ensure consistency. To ensure the Plan is effective, these changes will need to be made to the Policies Map when the Plan is adopted.

Development in the Countryside

187. As submitted Policy LP35 Development in the Countryside is not effective as the wording is vague. We are aware that much of the countryside within Bracknell Forest Borough lies close to settlements with subsequent development pressures. Therefore, the approach taken by the Council to control development within the countryside is appropriate and is consistent with paragraph 9 of the Framework which provides for local policies to take local circumstances into account, to reflect the character, needs and opportunities of each area. However, **MM47** is required to clarify how proposals for development in the countryside will be determined, as well as to recognise the intrinsic character and beauty of the countryside and to reference Policy LP37.

188. Policy LP39 Dwellings for rural workers does not allow for rural workers' dwellings where the business has been in operation for less than three years. **MM51** is required to ensure that the policy is more flexible and can be applied to temporary dwellings.

Conclusion

189. Subject to the above MMs the Plan is justified, effective and consistent with national policy in relation to Development in the Countryside and the Separation of settlements.

Issue 9 – Whether the Plan is justified, effective and consistent with national policy in relation to Design, Climate Change and Environmental Sustainability?

Design

190. Policy LP15 outlines the Council's strategic approach to high quality design, whilst Policy LP42 set out the framework for dealing with the potential impacts of development on design and amenity. **MM26** is necessary for Part 2 of Policy LP15 and its supporting text to be justified and effective in terms of masterplans

and design codes required with larger development proposals in the Borough. **MM53** is necessary for Policy LP42 and its supporting text to be justified, effective and consistent with national policy in terms of supporting the important contribution of trees within the streetscene and to remove the paragraph on monitoring due to changes in the Plan's monitoring framework.

191. Policy LP43 deals with tall buildings whilst Appendix 5 sets out the tall building viewpoints in the Borough. **MM54** is necessary for Policy LP15 and its supporting text to be justified and effective in terms of important views and key areas identified, well designed tall landmark buildings, parking and ensuring all proposals for tall buildings are accompanied by a high-quality contextual analysis to ensure they are sympathetic to the local character.
192. Policy LP44 sets out the Council's approach to considering applications for shop fronts and advertisement. **MM55** is necessary to ensure that Part 1 of the policy is effectively worded in terms of taking into account the cumulative impacts of advertisements to reflect national policy.

Climate Change and Environmental Sustainability

193. Policy LP49 outlines the Council's approach for sustainable construction required to meet the climate change objectives and meet a high standard of environmental sustainability whilst Policy LP50 sets out the framework for assessing the potential impacts of renewable energy and low carbon energy proposals.
194. Whilst there is some flexibility in relation to higher energy efficiency standards being permitted beyond the Building Regulations in certain circumstances through the plan making process, a requirement for net zero carbon for regulated emissions and a minimum 35% improvement in regulated emissions for all new major residential development, where it is viable, that are over and above those set out in National Building Regulations goes well beyond this requirement. There are no local circumstances in Bracknell Forest to warrant this. **MM60** is therefore necessary for Criterion 1i of Policy LP49 and paragraph 19.4 to be justified and consistent with national policy by making it clear that these standards will be encouraged rather than required in line with this policy. This approach would be consistent with the Government's Written Ministerial Statement on energy efficiency standards published on 13 December 2023.
195. Criterion 1ii of Policy LP49 should be deleted in light of the latest changes to Part L of the Building Regulations and criterion 1iii dealing with water efficiency standards should be amended to remove reference to any updated standard set by a review of Part G of the Building Regulations, which is not justified. Criterion 1iv of Policy LP49 and the supporting text should be amended to cover both non-C3 development as well as non-residential development for effectiveness. In addition, amendments are necessary to the supporting text of Policy LP49 to

provide further clarity on how the policy will be applied to all new dwellings and to clearly define what constitutes a major development proposal. **MM60** addresses these points in the interests of effectiveness and is consistent with national policy.

196. Consequential amendments are necessary to the supporting text of Policy LP50 to make it clear that, where renewable and low carbon schemes are encouraged in line with Policy LP49, as modified, they will be assessed against Policy LP50. **MM61** addresses this point in the interests of effectiveness.
197. Policy LP18 outlines the Council's strategic approach to flood risk whilst Policy LP51 sets out the framework to ensure the effective use of sustainable drainage systems as part of development proposals. **MM29** is necessary for Part 3i of Policy LP18 and its supporting text to be justified and consistent with national policy in terms of dealing with the cumulative impact of development in areas identified at risk of flooding. **MM62** is necessary for Policy LP51 to be justified, effective and consistent with national policy by, firstly, more clearly defining what constitutes a major development proposal and secondly, removing the references to supporting documents in the policy that have not been the subject of examination and adding additional supporting text to Policy LP51 recognising the role and objectives of the Bracknell Forest Local Flood Risk Management Strategy which proposals should have regard to, as a material consideration.
198. Policy LP52 seeks to minimise and reduce pollution and hazards from development. **MM63** is necessary for Policy LP52 and its supporting text to be justified, effective and consistent with national policy, in line with the SoCG with the Environment Agency [EXAM55], in terms of seeking improvements, including opportunities for nature-based solutions to reduce the adverse impacts of development, where possible. Consequential amendments are necessary in the supporting text to provide further clarity on how the policy will be applied. **MM63** addresses this point in the interests of effectiveness.
199. Finally, in order to provide an overall strategic framework, a new policy outlining the Council's strategic approach on climate change is required in accordance with paragraphs 20 and 21 of the Framework. **MM25** address this and is necessary for the Plan to be justified and consistent with national policy.

Conclusion

200. Subject to the MMs set out above, the Plan is justified, effective and consistent with national policy in relation to Design, Climate Change and Environmental Sustainability.

Issue 10 – Whether the Plan is justified, effective and consistent with national policy in relation to its approach towards the historic and natural environment and healthy and safe communities?

Historic Environment

201. The Framework requires plans to set a positive strategy for the conservation and enjoyment of the historic environment and paragraph 20 sets out that this is a strategic matter. Therefore, Policy LP45 requires to be identified as such. Moreover, for the policies of the Plan to be consistent with the Framework, the wording should be amended to align with the conservation of, rather than the protection of, the historic environment. Similarly, changes are required to the reasoned justification to be consistent with paragraphs 195, 199 and 200 of the Framework and to ensure that the Plan accurately represents the number of assets within the Borough. Therefore, **MM56** is necessary.
202. We have come to the judgement that three small housing sites (BIN10b: Land opposite Popes Manor, Murrell Hill Lane; SAND9 and SAND10: Land adjacent Lych Gate Close and Land adjacent to Swallow Cottage, Lower Church Road, Sandhurst) currently make a positive contribution to the significance of the nearby heritage assets which the Framework states are irreplaceable resources. These are the Grade II listed Pope's Manor with other associated Grade II buildings, and the Grade II* Church of St Michael respectively. We consider, notwithstanding the evidence provided both from the Council and site promoters (LP/EV/7b & d, and EXAM 9), the discussion at the hearings and further representations, that development in the setting of the nearby heritage assets would result in less than substantial harm to the significance of the heritage assets. We consider that this harm should be avoided by not allocating the sites in the first instance. This would be consistent with the environmental objective of the Framework to protect the historic environment. As such, given that great weight should be given to the assets' conservation, and the important contribution that the respective land makes to their historic setting and their significance, we conclude that **MM9** is required to delete the site allocations from the Plan to be justified and consistent with national policy. Moreover, we note that the three sites individually and cumulatively would make a small contribution to the housing supply which we have concluded would adequately meet the housing requirement for Bracknell Forest without them.

Natural Environment

203. Green infrastructure should play a multi-functional role. As worded, Policy LP16 does not make this sufficiently clear. In addition, to ensure that green infrastructure functions appropriately, Policy LP16 should be amended through **MM27** to ensure that fragmentation is addressed and that culverting of watercourses is avoided to ensure that the policy is effective.

204. Given the habitat sensitivity of the Thames Basin Heaths SPA it is important that Policy LP17 Thames Basin Heaths SPA is effective both in setting out the threshold of when air quality assessments are required as advised by Natural England, and how large sites, which are subdivided, secure appropriate SANG. As such **MM28** is required. Similarly, **MM58** is required to Policy LP47 Designated Nature Conservation and Geological Sites with reference to air quality.
205. Prior to the Environment Act 2021 becoming live in relation to biodiversity net gain, Policy LP46 Biodiversity requires modifying to ensure that the policy is precise and accurate and explicit that once the regulations come into force, that these will supersede the biodiversity net gain elements of Policy LP46. Moreover, it needs to be amended to ensure that species protection is not conflated with the biodiversity gain. As such, **MM57** is required.
206. Policy LP48 relates to the protection of trees and hedgerows. As submitted, the policy is overly detailed, inflexible and does not reference the importance of native hedgerows. As such, it is not effective and requires **MM59**.
207. Consequential amendments **MM5**, **MM11**, **MM15**, **MM25- MM26**, **MM39**, **MM45**, **MM46**, **MM47**, **MM48**, **MM49**, **MM50**, **MM52**, **MM53**, **MM56**, **MM57**, **MM58**, **MM59**, **MM60**, **MM61**, **MM62**, **MM63** and **MM64** are required to be made throughout the Plan to make explicit the requirement to conserve both natural and heritage assets as set out in the Framework.

Community Facilities

208. Policy LP32 sets out the criteria by which community facilities and services will be protected. However, as worded the policy requires amending to ensure that it is consistent with paragraph 93 of the Framework and is effective with reference to valued facilities. As such, **MM44** is required.

Conclusion

209. Subject to the above MMs the Plan is justified, effective and consistent with national policy in relation to its approach towards the historic and natural environment and healthy and safe communities.

Issue 11 – Whether the Plan is justified, effective and consistent with national policy in relation to Transport?

Transport impacts and Sustainable Transport

210. Policy LP14 outlines the Council's strategic approach to transport whilst Policies LP54, LP55 and LP56 set out the framework for promoting sustainable transport

options and dealing with the potential impacts of development on the transport networks. Transport assessment work has been prepared in order to assess the potential impact of the Plan's proposals on the local and strategic road network including the Bracknell Forest Strategic Transport Modelling work [LP/Ev/4p] that have been agreed with National Highways. The Infrastructure Delivery Plan 2020 [LP/Ev/4I] identifies strategic transport priorities and the specific infrastructure requirements for the larger strategic sites. Some site-specific infrastructure requirements will be identified through a transport assessment at the point of a planning application.

211. In order to provide an overall strategic transport policy framework in the Plan, Policy LP55 needs to be recognised as a strategic policy in accordance with paragraphs 20 and 21 of the Framework and the detailed wording needs to be modified. **MM24** and **MM66** address this and are necessary for the Plan to be justified and consistent with national policy in clearly defining the Council's strategic approach for transport and dealing with the potential impacts of development on the transport networks. **MM24** is required for criterion 1vii of Policy LP14 to be justified and effective in terms of assessing the unacceptable impacts of development proposals on highway safety.
212. **MM65** is necessary for paragraphs 20.2, 20.3 and 20.6 to be justified and consistent with national policy by making it clear when a transport assessment will be required with a major development scheme under Policy LP54 and the circumstances in which transport assessments should be supported by transport modelling.

Parking

213. Policy LP57 sets out the Council's approach to car parking, cycle parking and electric vehicle charging facilities for new development. **MM68** is necessary for Policy LP57 to be justified and effective by removing the reference to the Council's parking standards in the policy, which is not an examined development plan document and adding additional explanatory text to refer to this supporting document under Policy LP57 which proposals should have regard to, as a material consideration. Additional amendments are necessary in the supporting text to provide further clarity on what other factors the Council will have regard to when considering parking associated with new development proposals and how the policy will be applied to electric vehicle charging facilities in light of the new building regulations requirements for electric vehicle charging facilities to be provided with new development. **MM68** addresses this point in the interests of effectiveness.

Conclusion

214. Subject to the MMs set out above, the Plan is justified, effective and consistent with national policy in relation to transport.

Issue 12 – Whether the Plan is justified, effective and consistent with national policy in relation to Infrastructure Provision, Implementation, Monitoring and Viability?

Infrastructure

215. The Council has worked closely with a range of other organisations to identify key infrastructure requirements and a programme for delivery, and these are set out in the Infrastructure Delivery Plan 2020 (IDP) [LP/Ev/4I]. There is a clear commitment to keep this under review. The IDP sets out clearly the specific infrastructure requirements for the larger strategic and individual site allocations. The Council has also been active in pursuing funding opportunities to bring forward improvements to infrastructure such as for strategic highway and junction improvements and flood alleviation schemes.
216. **MM23** is necessary to Policy LP13 and its supporting text, in line with the SoCG with the Environment Agency [EXAM55], to ensure that development proposals are supported by the timely provision of an appropriate level of strategic and local infrastructure, where required, including water supply and treatment and flood defence, in consultation with the relevant infrastructure and utility providers. Additional amendments are necessary to the criteria and how the criteria in the policy will be applied and to remove the reference to the IDP, which is not an examined development plan document. **MM23** addresses these points in the interests of effectiveness.

Implementation

217. The Plan takes a pragmatic and realistic approach to developer contributions given the issues in terms of viability. Policy LP13 gives sufficient flexibility to allow for viability to be taken into account.
218. Policies LP16, LP32, LP33 and LP34 set out an appropriate approach to green infrastructure as well as social, sports, open space, recreation and community infrastructure and facilities.
219. **MM72** and **MM73** are required to ensure the Plan is effective and consistent with national policy, through updating the list of existing development plan policies to be replaced by the Plan (Appendix 6) and the Glossary (Appendix 7), respectively.

Monitoring

220. **MM74**, which would provide a single comprehensive Local Plan Monitoring Framework in an appendix to replace the section on 'Delivery and Monitoring' at the end of each policy, is necessary to ensure that there would be clear and

effective mechanism to monitor the implementation of the Plan. Consequential changes are required to the Plan as a result of the removal of the section on 'Delivery and Monitoring'. **MM4, MM5, MM7, MM9, MM10, MM11, MM13, MM14, MM15, MM16, MM17, MM20, MM21, MM22, MM23, MM24, MM26, MM27, MM28, MM29, MM32, MM33, MM34, MM35, MM36, MM37, MM38, MM39, MM40, MM41, MM42, MM43, MM44, MM45, MM46, MM47, MM48, MM49, MM51, MM52, MM53, MM54, MM55, MM56, MM57, MM58, MM59, MM60, MM61, MM62, MM63, MM64, MM65, MM66, MM67 and MM68** address these points in the interests of effectiveness.

Viability

221. At the time of submission of the Plan, the original 2020 version of the Viability Testing Report was accompanied by two further updates [LP/Ev/4n, LP/EV/4n-a and LP/Ev/4t]. These broadly demonstrate that the policies of the Plan would not put the delivery of the Plan at risk. We note that the viability assessment suggests that the delivery of affordable housing on the town centre sites would be challenging. However, two of these have planning permission and are therefore commitments. Moreover, the Council's 2020 evidence demonstrates that with flexibility in affordable housing tenure that most of the sites could be viable.
222. However, Policy LP9 on Affordable Housing requires a main modification to recognise the challenges and a pragmatic approach to delivery of affordable housing consistent with meeting local needs through flexibility in tenure, and the acceptance that there may exceptionally be sites where development may not be able to fully provide for policy compliant housing. Similarly, at the hearing the Council was clear that where it owned town centre sites that it may accept lower land receipts to enable policy compliant affordable housing to come forward and this is reflected in the revised wording in the reasoned justification to Policy LP9 (**MM16**).
223. The viability of stand-alone specialist older person's housing can be constrained due to increased costs. Therefore, amendments to Policy LP9 are also required to reflect this.
224. We are content with the appraisal inputs within the Council's viability studies [EXAM2B] and that many of the policy inputs required by the Plan are not exceptional and are therefore reflected in the BCIS costs. Moreover, an allowance for SANG and SAMM has been made on a site-by-site basis. In addition, following our **MM60** which reduced the requirements for new build residential development to be net zero carbon, there will be further headroom within developer costs. We are also aware that developer profits have been set at a generous level of 20% for market housing and 18% for C2 extra care housing which again provides a cushion. Similarly commercial rates have been set at 15% and affordable housing at 6%.

225. Generally, the inputs used in the viability assessments are reasonable, and the Plan subject to modification will be viable and consistent with paragraph 34 of the Framework and paragraphs 001-006 and 028 of the PPG.

Conclusion

226. Subject to the MMs set out above, the Plan is justified, effective and consistent with national policy in relation to infrastructure provision, implementation, monitoring and viability.

Overall Conclusion and Recommendation

227. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

228. The Council has requested that we recommend MMs to make the Plan sound and legally compliant and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix to this report, the Bracknell Forest Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Louise Nurser and David Troy

Inspectors

This report is accompanied by an Appendix containing the Main Modifications.

West Berkshire Local Plan Review (LPR) 2022-2039
Schedule of Proposed Main Modifications (MM) as at 2 May 2024

This schedule contains the proposed Main Modifications to the submitted [West Berkshire Local Plan Review 2022 – 2039 \(LPR\)](#) as proposed by the Council up until 2 May 2024 (ie before the start of the examination hearing sessions). The Main Modifications below are expressed in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text.

Please note that the page numbers and paragraph numbering below refer to the [Proposed Submission LPR dated 20 January 2023](#), as submitted.

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
Chapter 4 Development Strategy: Our Place Based Approach				
	14	Paragraph 4.11	<i>Insert additional text to the end of paragraph 4.11 as follows:</i> <u>'Future growth for Newbury and Thatcham has been set in the context of a long-term Vision developed for both towns, ensuring growth is sustainable in the longer term.'</u>	To reflect requirements of national policy. See Council response to PQ33 .
	15	Paragraph 4.17	<i>Insert key diagram as set out in Annex A below</i>	To ensure compliance with national policy. See Council response to PQ17 .
	16	Policy SP1	<i>Amendment to the settlement boundary of Newbury around part of Sandleford Park, to the west of Newbury College and to the south of Crook's Copse as set out in Annex B.</i>	To reflect the area permitted for development as part of the Sandleford

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<i>Consequential changes to the Policies Map</i>	Park East planning application APP/W0340/W/20/326546 and to accord with the settlement boundary review criteria.
	16	Policy SP1 and paragraph 6.58 of the supporting text to Policy SP17	<p><i>Proposed amendment to the settlement boundary of Thatcham as set out in Annex C below. Consequential changes to the Policies Map.</i></p> <p><i>Amend 6.58 as follows:</i></p> <p><i>'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.'</i></p>	<p>To reflect the developable area of the allocated site.</p> <p>See WS4/1 Council's response to Q4.20 with subsequent minor amendment to the developable area in the west of the site</p>
	20	Paragraph 4.28 of the supporting text to Policy SP2	<p><i>Add two new paragraphs after paragraph 4.28 as follows:</i></p> <p><u>'As part of the development of the LPR the Council has demonstrated the exceptional circumstances which justify allocating the sites identified in the LPR within the AONB. Therefore, proposals that meet the requirements of the relevant site allocation policy, along with other relevant policies, will be deemed to be in accordance with the development plan and consistent with national policy.'</u></p> <p><u>The exceptional circumstances necessary to justify the allocation of any sites for major development within NDPs will be expected to be</u></p>	<p>To clarify position regarding the exceptional circumstances test for major development allocations within the AONB. See Council response to PQ30 and PQ31</p>

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<u>demonstrated through individual neighbourhood plans. Proposals that meet the requirements of the relevant site allocation policy in the neighbourhood plan, along with other relevant policies in the development plan, will be deemed to be in accordance with the development plan and consistent with national policy.'</u>	
	21	Policy SP3	<p><i>Add text to the policy as follows:</i></p> <p>'Urban Areas: b) Strategic and non-strategic sites allocated for housing and economic development through other policies in the LPR <u>and/or</u> neighbourhood plans.</p> <p>Rural Service Centres: f) Non-strategic sites allocated for housing and economic development through other policies in the LPR <u>and/or</u> neighbourhood plans</p> <p>Service Villages: i) Non-strategic sites allocated for housing and economic development through other policies in the LPR <u>and/or</u> neighbourhood plans'.</p>	For clarity. The term 'or' could be interpreted as having development delivered through sites in the LPR <u>or</u> neighbourhood planning, rather than either or both. See WS3/1 Council response to Q3.4.
Chapter 5 Our Environment and Surroundings				
	28-30	Policy SP6 and paragraph 5.17	<p><i>Amend the text of the policy as follows:</i></p> <p><i>1st para:</i> '...Within Flood Zones 2 and 3 (and also on sites of 1 hectare or more in size, and in other circumstances as set out in the NPPF)<u>...</u></p> <p><i>Criterion p):</i> 'Natural flood management measures can be implemented <u>where possible.</u>'</p>	For clarity and effectiveness. As agreed in the Statement of Common Ground with the Environment Agency (EXAM24)

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<p>Para 6: 'In applying the Sequential Test, where development has to be located in flood risk areas, it should be demonstrated that <u>If the sequential test shows that it is not possible for an alternative site to be used and therefore development has to be located in a flood risk area, it should be demonstrated that:</u></p> <p><i>Criterion d):</i> 'The development will be safe <u>for its lifetime</u> and not increase flood risk elsewhere.'</p> <p>Para 8: 'Where an Exception Test is required, in accordance with national policy and guidance, this should demonstrate how flood risk would be managed on site, including that the sustainability benefits of the site outweigh the flood risk and that the development will be safe for its lifetime, taking into account the vulnerability of its users and that it will not increase flood risk elsewhere. <u>In addition to the sequential test, the exception test must be applied in certain situations according to national policy. This includes highly vulnerable development in Flood Zone 2, essential infrastructure in Flood Zone 3a or 3b, and more vulnerable development in flood zone 3a. The exception test should demonstrate how flood risk would be managed on site so that the development is safe taking into account the vulnerability of its users, and that it will not increase flood risk elsewhere. The exception test will also need to show that the sustainability benefits of the development to the community outweigh the flood risk.</u></p> <p><i>Amend paragraph 5.17 as follows:</i></p> <p><u>'The sequential approach should be taken when determining the layout of a development site, meaning the most vulnerable development should be sited in the areas of lowest flood risk within the site. to the layout of a development site can reduce the risk of flooding from all sources and not</u></p>	

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<p>increase flood risk overall, both off and on site. This approach also ensures that that the most vulnerable development is located within the areas of lowest risk of flooding'</p> <p><i>Amend paragraph 5.24 to include the following:</i></p> <p>The Environment Agency's guidance 'Approach to Groundwater Protection' (https://assets.publishing.service.gov.uk/media/5ab38864e5274a3dc898e29b/Environment-Agency-approach-to-groundwater-protection.pdf) should be referred to for developments which may impact groundwater.</p>	
	28 32	Policy SP6 and paragraph 5.27	<p><i>Amend first paragraph of the policy (fourth line onwards) as follows:</i></p> <p>'Development within areas of flood risk from any source of flooding, including areas with a history of fluvial, groundwater or surface water flooding, <u>or from areas suffering sewer flooding from overwhelmed sewers....'</u></p> <p><u>'5.27 It is the responsibility of a developer to make proper provision for surface water drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer, as this is the major contributor to sewer flooding.'</u></p>	To ensure consistency with national policy. As agreed in the Statement of Common Ground with Thames Water .
	37 170	Policy SP9 and paragraph 10.81 of supporting text to Policy DM9	<p><i>Amend Policy SP9 and its supporting text as follows:</i></p> <p><i>' 1st para of policy - Positive action will be taken to ensure that opportunities for the conservation and enjoyment of the historic environment are maximised. <u>For example, this will include, but not be limited to:</u></i></p>	In recognition of the role CAAs play in the Council's strategic approach to the historic environment and to ensure consistency with national policy. As agreed in the Statement of

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<ul style="list-style-type: none"> • <u>producing conservation area appraisals and management plans;</u> • <u>maintaining a local list of non- designated heritage assets; and</u> • <u>maintaining a list of local heritage assets which are at risk, but which do not meet the criteria for inclusion on the national Heritage at Risk Register.</u> <p>The historic character, sense of place, environmental quality and local distinctiveness of West Berkshire will also be sustained and enhanced through new development, <u>including promoting heritage- led regeneration where appropriate and delivering public benefits from the District’s archaeological resources.....</u></p> <p><i>5th para of policy</i> - Development which would lead to substantial harm to, or loss of, the significance of a designated heritage asset or its setting will not be permitted, unless – ...</p> <p>j. No viable use of the asset can be found in the medium term through appropriate marketing that will enable its conservation; <u>and</u></p> <p><i>8th para of policy</i> - Development proposals for enabling development which would otherwise conflict with other policies in the Local Plan but which would secure the future conservation of a heritage asset will be permitted where:</p> <ul style="list-style-type: none"> i. the proposals will not materially harm the heritage value of the asset or its setting; ii. it can be demonstrated that alternative solutions have failed; iii. the proposed development is the minimum necessary to protect the significance of the heritage asset; iv. it meets the tests and criteria set out in Historic England guidance <p>GPA4: Enabling Development and Heritage Assets;</p>	<p><u>Common Ground with Historic England.</u> See Council response to <u>PQ49.</u></p>

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<p>v. it is subject to a legal agreement to secure the restoration of the asset prior to completion of the enabling development; and it enables public appreciation of the saved heritage asset.'</p> <p><i>Move paragraph 10.81 of the supporting text of Policy DM9 and add to the supporting text of Policy SP9 as follows:</i></p> <p><u>'The Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the District's 53 Conservation Areas. As part of this duty and as part of its strategy to maximise opportunities for the conservation and enjoyment of the historic environment the Council is undertaking a phased programme of Conservation Area Appraisals (CAAs), in partnership with the West Berkshire Heritage Forum. As well as helping to define what is special about a particular Conservation Area, the project will provide local communities with an understanding of how and why Conservation Area status is appraised, designated, and applied in future development and conservation management decisions. This will help communities better engage with the management of change in their area, allowing them to more effectively champion the significance and values of local heritage. The project has involved the setting up of a Conservation Area Working Group, which has developed a 'Toolkit', which contains a variety of guidance, list of resources, and an appraisal report template, to assist parish councils and volunteers in undertaking a Conservation Area Appraisal and Management Plan.'</u></p>	
	42	Policy SP10	<p><i>Amend criterion o as follows:</i></p> <p>'Provide undeveloped buffer zones strips of vegetation along the banks of</p>	For consistency and effectiveness. As agreed in the Statement of Common

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			water courses <u>in accordance with policy SP6.</u> '	Ground with the Environment Agency (EXAM24)
	45 and 49	Policy SP11	<p><i>Amend policy as follows:</i></p> <p>'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 Gains...</p> <p>Biodiversity Net Gain All proposals should demonstrate a minimum biodiversity net gain of 10% via a Biodiversity Net Gain Plan using the most up to date biodiversity accounting metric developed by Natural England and provide details of the long term maintenance and management of the net gain. This should be delivered on site in the first instance, or through biodiversity off setting where appropriate. Major developments in particular must include measures to deliver biodiversity gains through opportunities to:</p> <ul style="list-style-type: none"> u. Restore and enhance existing features on site; v. Create additional habitats and ecological networks on site which help support the District's wider ecological network; and w. The linking of existing habitats within West Berkshire to create links between ecological networks and where possible, with adjoining features. <p><i>Amend supporting text as follows:</i></p> <p>5.86 Paragraph 174 of the NPPF highlights the need to provide net gains for biodiversity by establishing coherent ecological networks that are more resilient to current and future pressures. <u>The Council will deliver Biodiversity Net Gain in line with the latest national guidance and the Environment Act 2021.</u> Biodiversity Net Gain (BNG) can be defined as "Development that</p>	To comply with national policy. Whilst the LPR can highlight the statutory framework for BNG it should not duplicate the provisions of the statutory framework. (PPG Paragraph: 005 Reference ID: 74-005-2023)

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<p>leaves the environment in a measurably better state than beforehand” (DEFRA, 2018). <u>In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). BNG is part of the mitigation hierarchy and applicants for planning permission will be required to demonstrate that they have made all reasonable efforts to avoid losses of significant habitats and to mitigate any significant effects on biodiversity before demonstrating how the legally required BNG will be delivered. BNG will be achieved through a combination of retaining important features of the site and by making on site and off-site biodiversity enhancements to ensure an overall measurable minimum 10% net biodiversity gain is achieved, which contributes to restoring and enhancing the wider ecological networks and biodiversity of the District. To achieve net gain, a development must have a higher biodiversity unit score after development than before development (<u>except where exemptions apply</u>). The most up to date Natural England statutory Biodiversity Metric should be used to allow the assessment of assess biodiversity impact losses of a <u>planning proposal given development</u>, and where <u>necessary appropriate</u> the size of contribution required to offset the ecological impact of biodiversity loss from that development and <u>deliver the additional 10% minimum net gain</u>. The Council will deliver Biodiversity Net Gain in line with the latest national guidance and the Environment Act 2021. <u>Applicants will need to submit a Biodiversity Gain Plan (including the completed Metric calculator) to demonstrate how the required net gain is to be delivered and to enable the local planning authority to discharge the statutory condition. Development cannot commence until the Biodiversity Net Gain plan has been approved and the condition discharged.</u></u></p> <p><u>5.87 The Environment Act 2021 requires that any on-site or off-site biodiversity net gain must be secured for a minimum of 30 years. Applicants will therefore need to demonstrate how the proposed BNG will be delivered</u></p>	

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<p><u>and managed over that period of time. The Council will require periodic monitoring to assess whether the required BNG is being delivered and will seek appropriate remedial measures where monitoring demonstrates that it is not satisfactorily delivering and maintaining the required target condition. To secure the delivery of significant on-site and off-site BNG over the 30 years period, a legal agreement between the applicants/landowners and the local planning authority will be required. Where applicants propose to use off-site credits to deliver the required net gain in whole or in part, they will need to demonstrate that these credits are from a site registered to provide such credits.'</u></p>	
	45	Policy SP11	<p><i>Amend text as follows:</i></p> <p>'d. Provides or retains appropriate <u>at least 10m</u> buffer zones between development proposals and designated sites.....'</p>	For effectiveness. As agreed in the Statement of Common Ground with the Environment Agency (EXAM24)
Chapter 6 Delivering Housing				
	51	Policy SP12 and supporting text	<p><i>Amend Policy SP12 and its supporting text as follows:</i></p> <p>'Approach to Housing Delivery</p> <p>Provision will be made for <u>at least 9,270</u> 8,721 to 9,146 net additional homes in West Berkshire for the period 1 April 20232022 to 31 March 20412039; 513 to 538 a minimum of 515 dwellings per annum. The target figure of 538 dwellings per annum does not constitute a ceiling or cap to development.</p> <p>New homes will be located in accordance with Policy SP1: Spatial Strategy,</p>	As set out in the Council's response to the Inspector's Supplementary Question 7.1 with subsequent amendment to the end of paragraph 6.20.

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<p>Policy SP3: Settlement hierarchy and Policy DM1: Development in the Countryside.</p> <p>There should be no net losses from the existing stock of homes in West Berkshire. Existing homes should be retained in residential use (or replaced at least in equal numbers, normally on the proposed site), unless there is a reasoned justification in the form of a benefit to the wider community for a change of use. Developments should utilise opportunities to make better use of the existing housing stock.</p> <p><u>To meet the housing requirement, the following sources will ensure a continuous supply of land for housing across the Plan period:</u></p> <ul style="list-style-type: none"> • <u>sites allocated within the Local Plan and neighbourhood plans;</u> • <u>existing planning commitments on unallocated sites;</u> • <u>existing planning commitments for C2 Use Class communal accommodation; and</u> • <u>a windfall allowance.</u> <p><u>Sites to be allocated in Neighbourhood Plans</u></p> <p><u>The Council will supply a housing requirement figure to those qualifying bodies either preparing or updating a neighbourhood plan that intends to include residential allocations.</u></p> <p><u>Any additional sites allocated through the neighbourhood planning process will be in addition to sites allocated within this LPR.</u></p> <p><u>For those plans currently in preparation, it will be necessary to identify sites to meet the following levels of development:</u></p>	

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<ul style="list-style-type: none"> • <u>Hungerford: approx. 55 dwellings</u> • <u>Lambourn: approx. 25 dwellings</u> <p>Supporting Text</p> <p>Housing need and the housing requirement</p> <p>6.1 The NPPF states that <i>“to determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach.... Any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for”</i>.</p> <p>6.2 Details of the standard method for calculating the local housing need figure (LHN) are set out in the Housing and Economic Needs Assessment section of the Planning Practice Guidance (PPG). Using the 2014-based household projections, and an uplift based on the ratio of house prices to workplace-based earnings <u>published by the Office for National Statistics on 22 March 2023</u>, the LHN <u>for the District is 543515</u> dwellings per annum using a baseline of <u>20222023</u>.</p> <p>6.3 The LHN is not necessarily the same as the housing requirement, and the PPG outlines circumstances where it may be appropriate to plan for a higher number. These include, but are not limited to, situations where increases in housing need are likely to exceed past trends. This can include unmet needs from adjoining authorities, strategic infrastructure</p>	

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<p>requirements that are likely to drive an increase in the local housing needs, and growth strategies for the area that are likely to be deliverable, for example where funding is in place to promote and facilitate extra growth.</p> <p>6.4 Although the NPPF no longer refers to ‘Housing Market Areas’ (HMAs), the PPG provides a definition of a housing market area which refers to the importance of key functional linkages between places where people live and work. The Berkshire (including South Bucks) Strategic Housing Market Assessment (SHMA, February 2016) found that West Berkshire has a strong functional relationship with Wokingham Borough, Reading Borough and Bracknell Forest. As a result, there has been much collaborative working between these authorities on housing matters and associated infrastructure.</p> <p>6.5 Reading Borough Council has identified a shortfall of 230 dwellings that is anticipated to arise in the latter part of their current Local Plan period. The Reading Local Plan considers the period through to 2036.</p> <p>6.6 The local authorities which make up the Western Berkshire HMA have agreed a Statement of Common Ground for the purposes of local plan-making. This continues to recognise Reading’s unmet need set out in the Reading Local Plan and the principle that the need should be met within the West of Berkshire area. This agreement relates only to Reading’s need as calculated by the SHMA, not by any alternative calculations of need.</p> <p>6.7 Reading has identified that a five yearly review is required by 2024 and that will need to consider how to deal with the housing needs generated by the standard methodology. Though the principle of meeting any unmet need within the Western Berkshire Housing Market Area (HMA) is accepted, the distribution of that unmet need within the HMA has not been</p>	

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<p>agreed and will be subject to further review, through the plan-making process, before the need arises. <u>The Council will continue to work with the other authorities in the HMA to address this issue once Reading Borough Council has a more complete picture of its LHN as calculated by the standard methodology.</u></p> <p>6.8 No shortfall has been identified from other adjacent authorities or any of the other authorities within the Western Berkshire HMA.</p> <p><u>Policy SP12 expresses the housing requirement as a minimum of 515 dwellings per annum.</u></p> <p>6.9 In order to support the government’s objective of significantly boosting the supply of homes, which is set out in the NPPF, Policy SP12 expresses the housing requirement as a range, with a minimum requirement of 513 dwellings per annum meeting the 2022 LHN. The upper end of the range allows for approximately 5% additional homes (rounded to 538) on top of the 2022 LHN.</p> <p>6.10 The allocation of sites in the LPR aims to meet delivery of a higher number of homes in order to both boost supply and have some built-in flexibility. The upper end of the range is a target but should not be considered a maximum amount. It is not intended to be a cap on development that would otherwise be acceptable.</p> <p>Meeting the housing requirement</p> <p>6.14 Several sources will ensure a continuous supply of land for housing across the plan period. These include:</p>	

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<ul style="list-style-type: none"> ● retained allocations in the Local Plan and Stratfield Mortimer Neighbourhood Development Plan (NDP); ● allocations in the Local Plan which are not being retained in the LPR due to development being under construction; ● <u>sites allocated within the Local Plan and neighbourhood plans;</u> ● existing planning commitments on unallocated sites; ● existing planning commitments for communal accommodation; <u>and</u> ● <u>a windfall allowance.</u> ● windfall sites: sites not specifically identified in the development plan but that will come forward through the development management process in accordance with policies set out in the Local Plan and through the use of permitted development rights; ● new sites allocated in the LPR; and ● new sites to be allocated in neighbourhood plans. <p><u>Sites allocated within the Local Plan and neighbourhood plans</u></p> <p><i>Retained Local Plan and Stratfield Mortimer NDP allocations:</i> 6.12 The plan period of the LPR (2023 - 2041<u>2022-2039</u>) overlaps with the previous plan period (2006 – 2026) and account therefore needs to be taken of sites that have already been allocated in the <u>adopted</u> Core Strategy, the <u>adopted</u> HSA DPD and the <u>adopted</u> Stratfield Mortimer NDP. The relevant policy criteria <u>for the retained allocations included in Chapter 8</u> still apply to these sites to cover events such as revised schemes being submitted or a planning permission lapsing. However, for the purposes of calculating the housing supply, if a site has planning, then the number of dwellings permitted has been taken into account.</p> <p><u>This element of the supply consists of allocations with and without planning</u></p>	

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<p><u>permission at 31 March 2023. Where a site has an extant permission, the number of dwellings permitted has been used for the purposes of calculating the housing supply. For those sites without permission at 31 March 2023, the number allocated within the policy has been used.</u></p> <p>6.13 2,652 units were outstanding at 31 March 2022.</p> <p>6.14 Allocated sites that are retained are listed in Policies SP13–15.</p> <p><i>Allocations in the Local Plan which are not being retained:</i></p> <p>6.15 Several sites that are allocated within the Core Strategy and HSA DPD are not being retained in the LPR and this is because development is at an advanced stage of construction. At 31 March 2022<u>2023</u>, there were 721<u>451</u> units outstanding on these sites.</p> <p><i>New sites allocated in the LPR: (moved up from below and amended as follows:)</i></p> <p>6.22 The Council’s overall approach to identifying land for allocation is set out in Policy SP1 and in Policy SP3. Assessment of the availability, suitability and viability of individual sites has taken place through the Housing and Economic Land Availability Assessment (HELAA) and further technical and sustainability assessments have been undertaken. Sites proposed for allocation are detailed in Policies SP13–15<u>SP16 and SP17</u>, as well as policies RSA1 to RSA23, and these include provide additional housing supply on newly allocated sites of some 1,720 homes. This includes the strategic allocation at North East Thatcham for approximately 1,500 homes within the plan period.</p> <p><i>Sites to be allocated in Neighbourhood Plans: (moved up from below and amended as follows:)</i></p>	

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<p><u>The NPPF requires that within the housing requirement for the whole area, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations.</u></p> <p><u>Should any qualifying body decide to prepare a neighbourhood plan that includes residential allocations or update an adopted neighbourhood plan to include residential allocations, then the Council will supply a housing requirement figure. The policy makes clear that allocations made through neighbourhood plans will be in addition to the homes being allocated within the LPR and the other sources of supply identified in the policy.</u></p> <p><u>Any potential sites within defined settlement boundaries will not qualify towards the targets outlined in the policy. This is because there is a presumption in favour of development within settlement boundaries.</u></p> <p><u>6.23 A number of neighbourhood plans are in preparation within the District. It is not compulsory for neighbourhood plans to include allocations, and two of which will allocate further sites for housing development. It is proposed that a further 80 dwellings will be allocated by local communities through their NDPs the neighbourhood plans for Hungerford and Lambourn. The figures for individual neighbourhood areas are set out in Policies SP13 – 15. The delivery of these neighbourhood plans will be monitored by the Council to ensure the housing requirement is met. The Council reserves the right to identify opportunities to address any shortfall if the Hungerford and Lambourn neighbourhood plans are not adopted within two years of the adoption of the LPR.</u></p> <p><i>Existing planning commitments on unallocated sites</i></p>	

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<p>6.16 Existing permissions for housing on non-allocated sites will also contribute to supply. Over 1,958 <u>1,729</u> units on windfall sites, those not specifically identified in the development plan, already had permission or prior approval for permitted development at 31 March 2022 <u>2023</u>. <u>31 March 2023 is the date when the annual monitoring of development progress takes place.</u></p> <p><i>Existing planning commitments for communal accommodation (Use Class C2)</i></p> <p>6.17 The housing supply and delivery section of the PPG requires local planning authorities "<i>to count housing provided for older people, including residential institutions in Use Class C2, as part of their housing land supply. This contribution is based on the amount of accommodation released in the housing market.</i>" The Housing Delivery Test Measurement Rulebook gives the ratio for communal accommodation based on the national average number of adults in all households as 1.8 based on the 2011 Census. For example, a 90 bed care home would equate to 50 net dwellings ($90 \div 1.8 = 50$).</p> <p>6.18 <u>At 31 March 2022-2023, there are were</u> existing permissions for residential institutions in Use Class C2 which equate to 57 <u>91</u> units.</p> <p><u>Windfall allowance</u></p> <p>6.19 The NPPF states that local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes (Para.68). Policies within the LPR identify the most sustainable settlements and direct development to the built up areas within</p>	

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<p>settlement boundaries. The Council also publishes and maintains a register of brownfield sites that are available and potentially suitable for residential development across the District.</p> <p>6.20 The Council has assessed the contribution likely to be made from windfall sites based on past trends. It is clear that windfall sites have consistently played an important role in the housing supply of the District: approximately 74%<u>72%</u> of completions in the period 2006 - 2022-2023 were on unallocated, windfall sites. The windfall allowance, of 140 dwellings per annum is, in comparison, relatively modest <u>and will add flexibility to the supply over the plan period</u>. It has been based on the average annual delivery on small sites of less than 10 units over the existing plan period 2006 – 2022-2023. The calculated allowance set out in Table 2 takes account of existing small permissions that are already included in the supply by deducting these from the allowance of 140 dpa over the period 2022-2023 to 2039-2041. Any future windfall sites of 10 units or more are not included in the calculations, <u>which introduces flexibility to the</u> of future supply., which introduces flexibility and means that any allocations of medium or large sites within settlement boundaries will not result in any double-counting.</p> <p>Housing supply at March 2022</p> <p>Table 2 shows the <u>supply position at 31 March 2022</u>over the plan period. 31 March 2022 is the date when the annual monitoring of development progress takes place. As aforementioned, for the purposes of calculating the housing supply, if a site has planning permission, then the number of dwellings permitted, or already built, has been taken into account in the table.</p>	

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification																												
			<p>Table 2 Housing Supply at 31 March 2022</p> <table border="1" data-bbox="651 379 1496 1420"> <thead> <tr> <th data-bbox="651 379 1245 533">Supply category</th> <th data-bbox="1245 379 1496 533">Net Units Outstanding No. of net dwellings</th> </tr> </thead> <tbody> <tr> <td colspan="2" data-bbox="651 533 1496 647"><u>Sites allocated within the Local Plan and neighbourhood plans</u></td> </tr> <tr> <td colspan="2" data-bbox="651 647 1496 722"><i>Retained Local Plan and Stratfield Mortimer NDP allocations:</i></td> </tr> <tr> <td data-bbox="651 722 1245 798">• Core Strategy: Sandleford Park Strategic Site</td> <td data-bbox="1245 722 1496 798">1,580</td> </tr> <tr> <td data-bbox="651 798 1245 873">• <u>Housing Site Allocations</u> DPD Sites:</td> <td data-bbox="1245 798 1496 873">990</td> </tr> <tr> <td data-bbox="651 873 1245 916">• <u>Sites with extant permissions</u></td> <td data-bbox="1245 873 1496 916">887</td> </tr> <tr> <td data-bbox="651 916 1245 991">• <u>Sites without extant permissions</u></td> <td data-bbox="1245 916 1496 991">111</td> </tr> <tr> <td data-bbox="651 991 1245 1034">• Stratfield Mortimer NDP Site</td> <td data-bbox="1245 991 1496 1034">82 58</td> </tr> <tr> <td colspan="2" data-bbox="651 1034 1496 1109"><i>Local Plan allocations not being retained (due to site being at an advanced stage of construction)</i></td> </tr> <tr> <td data-bbox="651 1109 1245 1184">• Core Strategy: Newbury Racecourse</td> <td data-bbox="1245 1109 1496 1184">465 398</td> </tr> <tr> <td data-bbox="651 1184 1245 1259">• <u>Housing Site Allocations</u> DPD Sites</td> <td data-bbox="1245 1184 1496 1259">256 53</td> </tr> <tr> <td data-bbox="651 1259 1245 1302"><i>New allocations within the LPR</i></td> <td data-bbox="1245 1259 1496 1302">1,720</td> </tr> <tr> <td colspan="2" data-bbox="651 1302 1496 1377"><i>Sites to be allocated in Neighbourhood Development Plans</i></td> </tr> <tr> <td data-bbox="651 1377 1245 1420">• <u>Hungerford</u></td> <td data-bbox="1245 1377 1496 1420">55</td> </tr> </tbody> </table>	Supply category	Net Units Outstanding No. of net dwellings	<u>Sites allocated within the Local Plan and neighbourhood plans</u>		<i>Retained Local Plan and Stratfield Mortimer NDP allocations:</i>		• Core Strategy: Sandleford Park Strategic Site	1,580	• <u>Housing Site Allocations</u> DPD Sites:	990	• <u>Sites with extant permissions</u>	887	• <u>Sites without extant permissions</u>	111	• Stratfield Mortimer NDP Site	82 58	<i>Local Plan allocations not being retained (due to site being at an advanced stage of construction)</i>		• Core Strategy: Newbury Racecourse	465 398	• <u>Housing Site Allocations</u> DPD Sites	256 53	<i>New allocations within the LPR</i>	1,720	<i>Sites to be allocated in Neighbourhood Development Plans</i>		• <u>Hungerford</u>	55	
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	LPR	of submitted LPR			Reason for modification
				<u>25</u>	
			<i>Subtotal of sites allocated within the Local Plan and neighbourhood plans</i>	<u>4,887</u>	
			Existing planning commitments on unallocated sites	<u>1,958</u> <u>1,729</u>	
			Existing planning commitments for C2 Use Class communal accommodation	<u>57</u> <u>91</u>	
			Windfall allowance to 2039 2041	<u>1,949</u> <u>2,166</u>	
			TOTAL housing supply	<u>7,337</u> <u>8,873</u>	
			<p>Future Supply</p> <p>6.21 In order to meet the target of 538 new dwellings per annum over the plan period, sites for a further 1,809 dwellings need to be found (requirement of 9,146 minus supply of 7,337). There also needs to be some built in flexibility to allow for phasing issues and for an element of non-delivery. The expression of the requirement as a range and the use of a relatively modest windfall allowance both add to the flexibility required to ensure that targets can be met.</p> <p><i>New sites allocated in the LPR</i></p> <p>6.22 The Council's overall approach to identifying land for allocation is set out in Policy SP1 and in Policy SP3. Assessment of the availability,</p>		

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<p>suitability and viability of individual sites has taken place through the Housing and Economic Land Availability Assessment (HELAA) and further technical and sustainability assessments have been undertaken. Sites proposed for allocation are detailed in Policies SP13 - 15 and provide additional housing supply on newly allocated sites of some 1,720 homes. This includes the strategic allocation at North East Thatcham for approximately 1,500 homes within the plan period.</p> <p>Sites to be allocated in Neighbourhood Plans</p> <p>6.23 A number of neighbourhood plans are in preparation which will allocate further sites for housing development. It is proposed that a further 80 dwellings will be allocated by local communities through their NDPs. The figures for individual neighbourhood areas are set out in Policies SP13 - 15.</p> <p>Housing Trajectory</p> <p>6.24 The NPPF requires local planning authorities to illustrate the expected rate of housing delivery over the plan period through a housing trajectory. In preparing the trajectory the Council engages with landowners and developers and gives consideration to likely lead in times, start dates and build rates on different types of site. The housing trajectory showing the projected timeline for the delivery of housing developments across the plan period in relation to the annual average requirement is included in Appendix 8. The trajectory will be updated annually and reported in the Annual Authority Monitoring Report (AMR).</p> <p>Five Year Housing Land Supply</p> <p>6.26 The latest assessment of the five-year supply was published</p>	

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			in November 2022 <u>February 2024</u> and demonstrates a supply of 6.45.7 years for the five-year period beginning 1 April 2022 <u>2023</u> . This supply forms the early part of the supply set out in the housing trajectory..... ‘	
	55	Policy SP13	<i>Delete the policy and supporting text. Remove references to this policy throughout LPR.</i>	To remove unnecessary duplication. See Council response to PQ14 and as set out in the Council's response to the Inspector's Supplementary Question 7.1
	57	Policy SP14	<i>Delete the policy and supporting text. Remove references to this policy throughout LPR.</i>	To remove unnecessary duplication. See Council response to PQ14 and as set out in the Council's response to the Inspector's Supplementary Question 7.1
	59	Policy SP15	<i>Delete the policy and supporting text. Remove references to this policy throughout LPR.</i>	To remove unnecessary duplication. See Council response to PQ14 and as set out in the Council's response to the Inspector's Supplementary Question 7.1
	61	Policy SP16	<i>Amend the site boundary of the allocated site as set out in Annex D below</i>	For clarity and in order to ensure the policy is

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				effective in achieving a comprehensive development on the site.
	62	Paragraph 6.41 of the supporting text to Policy SP16	<p><i>Amend paragraph 6.41 as follows:</i></p> <p>'In reviewing the vision for Newbury as part of the LPR, the town will remain a focus for development <u>the Council prepared the West Berkshire Strategic Vision 2050, which offers a clear spatial steer as to where growth in Newbury and Thatcham might go over the longer-term period up to 2050.</u> Newbury will retain <u>remain a focus for development whilst retaining its traditional market town heritage and</u></p>	To reflect requirements of national policy. See Council response to PQ33 .
	62	Paragraph 6.42 of the supporting text to Policy SP16	<p><i>Insert additional text to the end of paragraph 6.42 as follows:</i></p> <p><u>'..... Newbury, as part of the Newbury and Thatcham urban area, is a sustainable location for development as confirmed in the Strategic Vision 2050.'</u></p>	To reflect requirements of national policy. See Council response to PQ33 .
	63	Policy SP17	<p><i>Amend text under the Community heading of the policy as follows:</i></p> <p><u>'The site will provide a range of community facilities to meet the needs of the development including:</u></p> <ul style="list-style-type: none"> • Local centres providing local retail facilities and small-scale employment for community use. (approximately 1,100sq.meters Class E and F2); • A 1,200sqm e <u>Community indoor facility to be used for sport and community uses with a variety of room sizes (currently use classes E and F);'</u> 	For effectiveness. See WS4/1 Council response to Q4.7.
	63	Policy SP17	<p><i>Amend text under the Community heading of the policy as follows:</i></p>	For effectiveness. To adopt a more general

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			<ul style="list-style-type: none"> • 'Health care facility, the details of which should be agreed with 450sq.meters GP Surgery to be offered to the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board or other such appropriate body;' 	policy requirement for health care facilities to be provided to meet the needs of the development, allowing for negotiations between the ICB, the Council and the landowners to ensure a satisfactory solution to be found that meets the needs of the development as well as local health care needs. See WS4/1 Council response to Q4.6.
	63	Policy SP17	<p><i>Amend text under the Community heading of the policy as follows:</i></p> <ul style="list-style-type: none"> • 'Early years provision <u>on site</u>; • A 2.5FTE p Primary school provision on site and sports infrastructure requirements of the school. <u>Land</u> to be provided and build costs to be met by the applicant; • Secondary <u>school provision on site and sports infrastructure requirements for the school</u> land to meet the impact of development. The nature and cost of the <u>required provision</u> mitigation will be informed by a feasibility study, undertaken at the applicants expense and prepared in collaboration with the Council and local stakeholders;' 	To provide clarity and ensure that the policy is effective in ensuring adequate education facilities are provided on the site to meet the needs of the development. See WS4/1 Council response to Q4.5.
	63	Policy SP17	<p><i>Amend text under the Community heading of the policy as follows:</i></p> <ul style="list-style-type: none"> • 'Outdoor formal and informal sports pitches and areas to meet the 	To give certainty that the policy will be effective in ensuring the provision of a

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			<p>identified needs of the development;</p> <ul style="list-style-type: none"> • Open space <u>and play areas</u> to meet the needs of the development in accordance with policy DM40<u>4</u>' <p><i>Amend text under the Green Infrastructure heading of the policy as follows:</i></p> <p><u>'The site will provide a comprehensive green infrastructure network and landscape strategy which will take advantage respond positively to the sensitivities of the landscape, protect and enhance landscape and ecological biodiversity features of value within and around the site and make provision for biodiversity net gain.</u></p> <p>This network will comprise:</p> <ul style="list-style-type: none"> • A new community park linking Thatcham to the North Wessex Downs AONB; • <u>A Green Infrastructure buffer that creates a strong defensible boundary between the developable area and the adjoining countryside and Ancient Woodland.</u> • <u>Provision of Open Space within the developable area in accordance with Policy DM40;</u> • <u>Greenways which connect through the site to the park, and facilitate connections to the wider landscape and existing Public Rights Of Way network AONB, and include leisure routes accessible to all users;</u> • A comprehensive network of other accessible routes and connections within the development which provide walking and cycling links along desire lines; • <u>Protection of E existing and creation of new Public Rights of Way; and</u> • <u>Retained and new tress, hedgerows and other appropriate native planting which contribute to biodiversity net gain;</u> 	<p>comprehensive green infrastructure network on the site and to give clarity that a significant portion of the site will be safeguarded as a green infrastructure buffer outside of the developable area of the site. See WS4/1 Council response to Q4.8.</p>

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			<ul style="list-style-type: none"> • <u>Provision of allotments</u> <p><i>Move text from the under the Sustainability heading of the policy and amend as follows:</i></p> <p><u>‘Landscape</u></p> <p><u>Development proposals for the site will be supported by A a Landscape and Visual Impact Assessment (LVIA) in accordance with the Landscape Institute Guidelines for Landscape and Visual Impact Assessment 3rd ed. 2013. This will inform the final capacity, development, design and layout of the site and requirements for green infrastructure and the provision of public open space. The LVIA will be informed by the Landscape Sensitivity and Capacity Assessment (2021) of the site.’</u></p>	
	64	Policy SP17	<p><i>Amend text under the Transport heading of the policy as follows:</i></p> <p>‘Measures will be included to improve accessibility by, and encourage use of, non-motorised transport modes.</p> <p><u>Development proposals for the site will be supported by A a Transport Strategy to will provide detail on how this will be achieved, including:</u></p> <ul style="list-style-type: none"> • Active travel Improvements on routes between the site, Thatcham town centre and the railway station; • <u>Multiple access points and A a vehicular through route;</u> • Sustainable transport through routes; • Mitigation of the development's impacts on the highways network with improvements to existing junctions where they are needed and delivery of new access points for all forms of movement and transport to the site at locations to be agreed with the planning authority; and 	<p>To ensure the policy is effective and justified. to ensure the details included in the background to the IDP are included in the policy. See WS4/1 Council response to Q4.4.</p>


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			<ul style="list-style-type: none"> How adverse impacts on air quality will be minimised' 	
	64	Policy SP17	<p><i>Move text from the under the Sustainability heading of the policy and amend as follows:</i></p> <p><u>'Flooding and Water Environment</u></p> <p><u>Development proposals for the site will be supported by A an Integrated Water Supply and Drainage Strategy which will set out:</u></p> <ul style="list-style-type: none"> Measures to ensure the provision of adequate and appropriate infrastructure for water supply and waste water, both on and off site; <u>Details of the phasing of development to consider likely upgrades needed for the water supply network infrastructure; and</u> Surface water <u>drainage</u> management approaches that could deliver net gain for Thatcham town, including use of on-site sustainable drainage systems (SuDS); <u>A Flood Risk Assessment taking into account the Thatcham Surface Water Management Plan'</u> 	For clarity and effectiveness. To ensure that there will be no impact on flood risk downstream of the site as a result of the development. As agreed in the Statement of Common Ground with Thames Water
	64	Policy SP17	<p><i>Move text from the under the Sustainability heading of the policy and amend as follows:</i></p> <p><u>'Biodiversity</u></p> <p><u>Development proposals for the site will be supported by A an Ecology Biodiversity Strategy which will set out:</u></p> <ul style="list-style-type: none"> A Biodiversity Net Gain Strategy to show how <u>biodiversity</u> net gain will be achieved including though habitat restoration and linkages; How priority habitats and ecological features will be protected and enhanced; 	For effectiveness. See WS4/1 . Council response to Q4.14.

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<ul style="list-style-type: none"> • The creation of new ecological features; and • <u>A a site-wide ecological biodiversity management plan.</u> 	
	64	Policy SP17	<p><i>Move text from the under the Sustainability heading of the policy and amend as follows:</i></p> <p><u>Heritage</u></p> <p><u>Development proposals for the site will be supported by A a Historic Environment Strategy to demonstrate how the sites historical development, archaeological remains and historic buildings and parkland will inform the scheme and help to create a sense of place. It should:</u></p> <ul style="list-style-type: none"> • <u>Be informed by a proportionate heritage impact assessment, desk-based archaeological assessment and if needed, field evaluation; and</u> • <u>Articulate how the proposed scheme would support an appropriate future use of the listed buildings in the area and minimise harm to their significance (including demonstrating listed buildings in the area will be conserved and how the impact of the development on their settings has been considered)</u> 	<p>To ensure that the development conserves and enhances the historic environment in accordance with national policy. See Council’s response to PQ49</p>
	64	Policy SP17	<p><i>Amend text of the policy to include the following:</i></p> <p><u>Mineral Resources</u></p> <p><u>Development proposals for the site will be supported by A a Mineral Resource Assessment (MRA) which identifies any potential viable mineral resources on the site and considers firstly prior extraction, and then incidental extraction as part of the development.</u></p>	<p>Part of the site is underlain by minerals.</p>

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	63 66	Policy SP17 & paragraphs 6.54 & 6.63 of the supporting text	<p><i>Amend text of the policy as follows:</i></p> <p><u>'Land as shown on the Policies Map is allocated for the delivery of a comprehensive, sustainable, low carbon, residential-led urban extension comprising of distinct neighbourhoods defined by their landscape, and connected and contributing to Thatcham, and woven through with natural habitats and links. The site will be masterplanned in collaboration with the community and other stakeholders to provide a framework to guide development. Proposals must have regard to this and demonstrate how it has guided proposals in a positive manner. Proposals must also demonstrate how and delivered as a whole to achieve a comprehensive development the provision of all infrastructure, services, open space and facilities will be delivered in a timely and co-ordinated way. 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.'</u></p> <p>Homes</p> <p>The site is to be allocated for <u>the phased delivery of</u> approximately 1,500 dwellings which will be completed within the period of the plan....'</p> <p><i>Amend paragraph 6.54 of the supporting text to Policy SP17 as follows:</i></p> <p><u>'... Stage 3 of the Thatcham Growth Study report lays out a potential vision and approach to strategic growth in Thatcham, intended to inform the decision-making process of the Local Plan Review in choosing suitable allocation sites across the District as a whole. The study identified a larger quantum of development than proposed through this policy, however the guiding principles continue to remain relevant.'</u></p>	For clarity and effectiveness. To ensure the policy sets out the overall key requirements for the development and to provide clarity as to the policy is expected to be delivered. See WS4/1 . Council response to Q4.14.

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			<p><i>Amend paragraph 6.63 of the supporting text to Policy SP17 as follows:</i></p> <p><i>'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, <u>based on existing evidence and information already produced to support the allocation of the site, including the Thatcham Strategic Growth Study.</u>'</i></p>	
	65	Indicative site map for Policy SP17	<p><i>Replace the indicative site map with the indicative site map shown in Annex E below.</i></p> <p><i>Consequential changes to the Policies Map.</i></p>	<p>For clarity and effectiveness.</p> <p>See WS4/1 Council's response to Q4.20 with subsequent minor amendment to the developable area in the west of the site</p>
	66	Paragraphs 6.54 and 6.60 of supporting text to SP17	<p><i>Amend supporting text to Policy SP17 as follows:</i></p> <p><i>'6.54 In reviewing the vision for Thatcham as part of the LPR, <u>the Council prepared the West Berkshire Strategic Vision 2050 which offers a clear spatial steer as to where growth in Newbury and Thatcham might go over the longer-term period up to 2050. In addition, and in order to best understand how to plan for growth in Thatcham within the plan period, the Council commissioned masterplanning work (Thatcham Strategic Growth Study (TSGS) 2020).</u></i></p>	<p>To ensure the policy is justified and consistent with national policy. See Council's response to PQ33</p>

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			6.60 The Council’s spatial strategy is outlined in Policy SP1 and affirms a continued approach to focusing development in settlements in line with a District-wide settlement hierarchy (contained in Policy SP3). Thatcham, as part of the Newbury and Thatcham urban area, is a sustainable location for development <u>as confirmed in the Strategic Vision 2050</u> . The TSGS shows the most sustainable way for development to come forward in the town and this policy draws on that evidence.’	
	67	Policy SP18	<i>Amend paragraph 4 of Policy as follows:</i> ‘All dwellings should be delivered as accessible and adaptable dwellings in accordance with Building Regulations M4(2). <u>At least Around</u> 10% of the new market housing and a maximum of 5 units...’	To remove any ambiguity in the application of the policy. See WS8/1 Council response to Q8.3.
	70 - 71	Paragraphs 6.75 and 6.78 of the supporting text to Policy SP19	<i>Amend the text as follows:</i> ‘6.75 The NPPF and the Planning Practice Guidance (PPG) states that affordable housing should only be sought from major development of 10 or more dwellings or on housing sites of 0.5 ha or more across the district, <u>other than in designated rural areas</u> . In designated rural areas local planning authorities may instead choose to set their own lower threshold in plans and seek affordable housing contributions from developments above that threshold. Designated rural areas applies to rural areas described under section 157(1) of the Housing Act 1985 , which includes National Parks and Areas of Outstanding Natural Beauty. <u>As approximately about 74% of West Berkshire is within an AONB and most of the remaining parishes are designated rural areas only a small proportion on the district is classified as non-designated rural areas as shown on the map below:it is considered justified and reasonable for the Council to secure 20% affordable housing on sites of 5 or more dwellings and this is reflected in</u>	To clarify how Policy SP19 is to be implemented. See Council response to PQ39

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			<p>Policy SP19.</p>  <p>Areas within West Berkshire not designated as rural areas</p> <p>'6.78 The latest evidence shows a high need for affordable housing across the District with a net affordable and social rented housing need equivalent to 330 dpa (2021 base date). This is a significant need for the district and a clear justification for the Council to seek affordable dwellings through new development schemes. Whilst the level of need will be kept under review the policy therefore seeks to maximise opportunities for increased affordable housing delivery with social rented dwellings being the priority affordable housing tenure. <u>As such, policy SP19 is to be applied district wide.</u></p>	

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Chapter 7 Fostering Economic Growth and Supporting Local Communities				
	73	Policy SP20	<p><i>Amend text in the Policy as follows:</i></p> <p>‘Through the LPR the Council will seek to facilitate the growth and forecasted change of business development over the plan period <u>through site allocations and</u> by promoting the supply of office and industrial space across the District to the meet the identified shortfall.</p> <p>Appropriate proposals for business development (offices, industrial and storage and distribution) will be supported where they are located:</p> <ul style="list-style-type: none"> a) On sites allocated for business development as set out Policy SP21 and in accordance with the individual site specific policy (<u>ESA1 – ESA6</u>) in <u>this Plan or any subsequent neighbourhood plans</u>; or b) On a suitable site within a settlement boundary; or c) Within a Designated Employment Area (DEA) in accordance with Policy DM32, <u>and as listed in Appendix 4</u> and as defined on the Policies Map; or d) On previously developed land within existing suitably located employment sites; or e) Within the countryside provided the proposal is in accordance with other relevant policies within the Plan, in particular Policy DM35. <p>Proposals for</p>	To reflect the deletion of policy SP21.
	75	Paragraph 7.14 of the	<i>Amend paragraph 7.14 as follows:</i>	To reflect the deletion of policy SP21.

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		supporting text to Policy SP20	'As a result the ELR recommends safeguarding existing employment sites. West Berkshire has a number of designated employment areas (DEA) which are specific locations across the District designated for business uses/development providing a range of sites and locations to promote sustainable economic growth. <u>Those areas known as Protected Employment Areas (PEAs) are renamed Designated Employment Areas (DEAs) through this LPR. All DEAs are listed in Appendix 4 and defined on the Policies Map.</u> The District's DEA's contribute significantly to the supply of employment land and provide opportunities for regeneration and intensification and therefore Policy DM32 seeks to safeguard these areas to protect and strengthen their function and integrity.'	
	75	New paragraph after paragraph 7.15 of the supporting text to Policy SP20	<i>Insert new paragraph after paragraph 7.15 as follows:</i> ' <u>Greenham Business Park has a Local Development Order in place across the site. This sets our development parameters by which certain schemes can proceed without planning permission. Proposals which are outside of the scope of the Local Development Order and require planning permission shall be determined in accordance with the relevant LPR policies.</u> '	To reflect the deletion of policy SP21.
	77	Policy SP21	<i>Delete the policy and supporting text. Remove references to this policy throughout LPR.</i>	To remove unnecessary duplication. See Council response to PQ14 .
Chapter 8 Non-Strategic Site allocations: Our Place Based Approach				
	85	Paragraph 8.2	<i>Insert additional text and table after paragraph 8.2 as follows:</i> <u>'Sites allocated for residential development: Newbury and Thatcham</u> <u>8.3. The main focus for growth in West Berkshire is the Newbury and</u>	To reflect the deletion of policy SP13.

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			<p><u>Thatcham area, where two strategic urban extensions are proposed; the first, the existing Core Strategy allocation at Sandleford Park, south of Newbury, which is carried forward with a redefined policy boundary where approximately 1,500 homes could be developed; and the second, another greenfield site, to the northeast of Thatcham for approximately 1,500 homes. These two sites are allocated under Policies SP16 and SP17, with the remainder of the growth in the Newbury and Thatcham area comes through smaller site allocations set out below.</u></p> <p><u>8.4. There is significant potential on previously developed land within settlement boundaries, particularly in Newbury town centre and periphery. Sites within settlement boundaries are not being allocated. This is because 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.</u></p> <table border="1" data-bbox="663 906 1709 1273"> <thead> <tr> <th><u>Policy</u></th> <th><u>Allocation</u></th> <th><u>Approximate numbers</u></th> </tr> </thead> <tbody> <tr> <td><u>RSA1</u></td> <td><u>Land north of Newbury College, Monks Lane, Newbury (Site ref HSA 1)</u></td> <td><u>15 dwellings</u></td> </tr> <tr> <td><u>RSA2</u></td> <td><u>Land at Bath Road, Speen</u></td> <td><u>100 dwellings</u></td> </tr> <tr> <td><u>RSA3</u></td> <td><u>Land at Coley Farm, Stoney Lane, Newbury (Site Ref: HSA 3)</u></td> <td><u>75 dwellings</u></td> </tr> <tr> <td><u>RSA4</u></td> <td><u>Land off Greenham Road, South East Newbury (Site Refs: HSA 4)</u></td> <td><u>160 dwellings</u></td> </tr> <tr> <td><u>RSA5</u></td> <td><u>Land at Lower Way, Thatcham (Site Ref: THA025)</u></td> <td><u>85 dwellings</u></td> </tr> <tr> <td><u>RSA25</u></td> <td><u>Long Copse Farm, Enborne</u></td> <td><u>24 plots</u></td> </tr> </tbody> </table>	<u>Policy</u>	<u>Allocation</u>	<u>Approximate numbers</u>	<u>RSA1</u>	<u>Land north of Newbury College, Monks Lane, Newbury (Site ref HSA 1)</u>	<u>15 dwellings</u>	<u>RSA2</u>	<u>Land at Bath Road, Speen</u>	<u>100 dwellings</u>	<u>RSA3</u>	<u>Land at Coley Farm, Stoney Lane, Newbury (Site Ref: HSA 3)</u>	<u>75 dwellings</u>	<u>RSA4</u>	<u>Land off Greenham Road, South East Newbury (Site Refs: HSA 4)</u>	<u>160 dwellings</u>	<u>RSA5</u>	<u>Land at Lower Way, Thatcham (Site Ref: THA025)</u>	<u>85 dwellings</u>	<u>RSA25</u>	<u>Long Copse Farm, Enborne</u>	<u>24 plots</u>	
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	85 87	Policy RSA1 Policy RSA2	<i>Include additional criterion as follows:</i>	To ensure adequate and appropriate infrastructure																					

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	93 99 101 103 106 113 115 121 132	Policy RSA5 Policy RSA8 Policy RSA9 Policy RSA10 Policy RSA11 Policy RSA14 Policy RSA15 Policy RSA18 Policy RSA23	'An integrated water supply and drainage strategy will be provided in advance of development to ensure the provision of adequate and appropriate infrastructure for water supply and wastewater, both on and off site. <u>Such a strategy should include details of the phasing of development to consider likely upgrades needed for the water supply network infrastructure.</u> Development will be occupied in line with this strategy.'	for water supply and wastewater are provided both on and off site and to ensure consistency across all the RSA policies. As agreed in the Statement of Common Ground with Thames Water and as agreed in the Statement of Common Ground with the Environment Agency (EXAM24)
	87	Policy RSA2	<i>Amend criterion as follows:</i> 'j) Development will protect and enhance the special architectural and historic interest of the Speen Conservation Area. <u>Particular attention will be paid to the design of the scheme when approaching the Conservation Area along Bath Road, responding sensitively to the character, density and scale of existing development.</u> '	Development is required to consider the architectural and historic interest of Speen. As agreed in the Statement of Common Ground with Historic England .
	87 132	Policy RSA2 Policy RSA23	<i>Include additional criterion as follows:</i> ' <u>The scheme will be supported by a Flood Risk Assessment that will include the consideration of surface water flooding and will advise on any appropriate mitigation measures.</u> '	To ensure consistency across all the RSA policies. As agreed in the Statement of Common Ground with the Environment Agency (EXAM24)

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	89 91 95 97 109	RSA3 RSA4 RSA6 RSA7 RSA12	<i>Remove policies from the LPR. Subsequent main modifications are also proposed to policy SP12 and the housing trajectory to include the outstanding number of dwellings within the supply category 'Local Plan allocations not being retained due to site being at an advanced stage of construction.</i>	The sites are either at an advanced stage of construction or have been built out.
	95	New paragraphs and table before Policy RSA6	<p><i>Insert additional text and table before Policy RSA6 as follows:</i></p> <p>Sites allocated for residential development: Eastern Area</p> <p><u>8.5. In the Eastern Area the significant constraints to development mean provision for new development is more limited. Constraints include the Detailed Emergency Planning Zone (DEPZ) of Atomic Weapons Establishment (AWE) Aldermaston and AWE Burghfield. The DEPZ was defined following changes to legislation in 2019 (Radiation (Emergency Planning Preparedness and Public Information) Regulations 2019) which resulted in the redetermination of the emergency planning arrangements around AWE Aldermaston and AWE Burghfield in 2020. Given the constraints in this spatial area the LPR does not propose any strategic allocations, but non-strategic allocations are proposed on the edge of existing settlements as set out below.</u></p> <p><u>8.6. Land adjacent to New Stocks Farm (Policy RSA24), which is located within the DEPZ of AWE Aldermaston, is already in use for Gypsy and Traveller accommodation (transit site). The allocation of the site for eight permanent pitches was not considered to have an impact upon the emergency plan.</u></p> <p><u>8.7. Land adjoining Pondhouse Farm, Burghfield (Policy RSA12), which is located within the DEPZ of AWE Burghfield, was granted outline planning</u></p>	To reflect the deletion of policy SP14.

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			<p><u>permission in December 2019. When the DEPZ was reconsidered in 2020, the 100 units proposed were included in the detailed calculations undertaken by Emergency Planning.</u></p> <p><u>8.8. If in the future the DEPZ is reviewed and the emergency planning arrangements be amended, then future reviews of the Local Plan will consider whether allocations in this area would be suitable.</u></p> <table border="1" data-bbox="663 611 1722 1214"> <thead> <tr> <th><u>Policy</u></th> <th><u>Allocation</u></th> <th><u>Approximate numbers</u></th> </tr> </thead> <tbody> <tr> <td><i>RSA6</i></td> <td><i>Stoneham's Farm, Long Lane, Tilehurst (Site Ref: HSA 9)</i></td> <td><i>65 bedspace care home</i></td> </tr> <tr> <td><i>RSA7</i></td> <td><i>72 Purley Rise, Purley on Thames (Site Ref HSA 11)</i></td> <td><i>35 dwellings</i></td> </tr> <tr> <td><i>RSA8</i></td> <td><i>Land adjacent to Bath Road and Dorking Way, Calcot (Site Ref HSA 13)</i></td> <td><i>35 dwellings</i></td> </tr> <tr> <td><i>RSA9</i></td> <td><i>Land between A340 and The Green, Theale (Site Ref: HSA 14)</i></td> <td><i>100 dwellings</i></td> </tr> <tr> <td><i>RSA10</i></td> <td><i>Whitehart Meadow, Theale (Site Ref THE1)</i></td> <td><i>40 dwellings</i></td> </tr> <tr> <td><i>RSA11</i></td> <td><i>Former Theale Sewage Treatment Works, Theale (Site Ref THE7)</i></td> <td><i>60 dwellings</i></td> </tr> <tr> <td><i>RSA12</i></td> <td><i>Land adjoining Pondhouse Farm, Clayhill Road, Burghfield Common (Site Ref: HSA15)</i></td> <td><i>100 dwellings</i></td> </tr> <tr> <td><i>RSA13</i></td> <td><i>Land north of A4 Bath Road, Woolhampton (Site Ref MID4)</i></td> <td><i>16 dwellings</i></td> </tr> <tr> <td><i>RSA24</i></td> <td><i>New Stocks Farm, Paices Hill, Aldermaston</i></td> <td><i>8 pitches</i></td> </tr> </tbody> </table>	<u>Policy</u>	<u>Allocation</u>	<u>Approximate numbers</u>	<i>RSA6</i>	<i>Stoneham's Farm, Long Lane, Tilehurst (Site Ref: HSA 9)</i>	<i>65 bedspace care home</i>	<i>RSA7</i>	<i>72 Purley Rise, Purley on Thames (Site Ref HSA 11)</i>	<i>35 dwellings</i>	<i>RSA8</i>	<i>Land adjacent to Bath Road and Dorking Way, Calcot (Site Ref HSA 13)</i>	<i>35 dwellings</i>	<i>RSA9</i>	<i>Land between A340 and The Green, Theale (Site Ref: HSA 14)</i>	<i>100 dwellings</i>	<i>RSA10</i>	<i>Whitehart Meadow, Theale (Site Ref THE1)</i>	<i>40 dwellings</i>	<i>RSA11</i>	<i>Former Theale Sewage Treatment Works, Theale (Site Ref THE7)</i>	<i>60 dwellings</i>	<i>RSA12</i>	<i>Land adjoining Pondhouse Farm, Clayhill Road, Burghfield Common (Site Ref: HSA15)</i>	<i>100 dwellings</i>	<i>RSA13</i>	<i>Land north of A4 Bath Road, Woolhampton (Site Ref MID4)</i>	<i>16 dwellings</i>	<i>RSA24</i>	<i>New Stocks Farm, Paices Hill, Aldermaston</i>	<i>8 pitches</i>	
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	101	Policy RSA9	<p><i>Include additional criterion as follows:</i></p> <p><u>'The scheme will be informed by the archaeological assessment already undertaken of the site.</u></p>	<p>To ensure consistency across all the RSA policies. To ensure the policy is effective with regard to the historic</p>																														

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			<u>The scheme will conserve the listed milestone in the north east corner of the site and enhance its setting.'</u>	environment. As agreed in the Statement of Common Ground with Historic England .
	111	Policy RSA13	<i>Include additional criterion as follows:</i> <u>'The development design will respond positively to the challenge of climate change and be designed for climate resilience, including maximising the efficient use of sustainable technologies, resources, materials and solar gain, in accordance with Policy SP5.'</u>	In line with the strategic objectives of the LPR to mitigate and adapt to the effects of climate change. See WS6/1 Council response to Q6.27.
	113	New paragraph and table before Policy RSA14	<i>Insert additional text and table before Policy RSA14 as follows:</i> 'Sites allocated for residential development: North Wessex Downs AONB <u>8.9. The special characteristics of the North Wessex Downs AONB mean that development will be modest, helping to meet local needs, support the rural economy and sustain local facilities in accordance with Policy SP12.</u>	To reflect the deletion of policy SP15.

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	117	Policy RSA16	<p><i>Amend criterion as follows:</i></p> <p>'f) <u>Appropriate landscaping</u> A substantial tree belt will be provided along the northern boundary, <u>responding positively</u> linking to the existing tree belt to the north of the site, on the eastern boundary and with new planting on land at Stretton Close.'</p>	<p>For clarity and effectiveness. See WS6/1 Council response to Q6.33.</p>																																	
	119 124	Policy RSA17 Policy RSA19	<p><i>Include additional criterion as follows:</i></p> <p>'<u>The development design will respond positively to the challenge of climate change and be designed for climate resilience, including maximising the</u></p>	<p>To ensure consistency across all the RSA policies. See WS6/1</p>																																	

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			<u>efficient use of sustainable technologies, resources, materials and solar gain, in accordance with Policy SP5.'</u>	
	119 132	Policy RSA17 Policy RSA23	<p><i>Include additional criterion as follows:</i></p> <p><u>'The scheme will be supported by a Flood Risk Assessment that will include the consideration of surface water flooding and will advise on any appropriate mitigation measures.'</u></p>	<p>To ensure consistency across all the RSA policies.</p> <p>As agreed in the Statement of Common Ground with the Environment Agency (EXAM24)</p>
	119	Policy RSA17	<p><i>Amend text within the policy as follows:</i></p> <p>'b) Access will need to be obtained from East Lane. To achieve the sight lines of 2.4 x 43 metres, accesses may need to serve more than one dwelling. <u>The existing hedgerow fronting East Lane should be retained and enhanced as much as possible as part of the design.</u></p> <p>g) The development design and layout will be further informed by a Heritage Impact Assessment. <u>The development will protect and enhance the special architectural and historic interest of the Chieveley Conservation Area, with particular attention paid to the western end of the site adjoining the boundary of the Grade II listed the Old House.</u></p> <p>j) <u>Development will be informed by an archaeological desk based assessment as a minimum and field evaluation if required to assess the historic environment potential of the site.'</u></p>	<p>To ensure consistency across all the RSA policies.</p> <p>HIA would enable further consideration of the relationship between the site and nearby heritage assets and inform the approach to the hedgerow.</p> <p>As agreed in the Statement of Common Ground with Historic England.</p>
	119	Policy RSA17	<p><i>Include additional criterion as follows:</i></p> <p>'l) Development of the site provides an opportunity to be able to establish a</p>	<p>For effectiveness. See WS6/1 Council response to Q6.34.</p>

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			<u>burial ground at the western end of the site adjoining the boundary of the Grade II listed the Old House. Further consideration will be required at the planning application stage in order to determine the detailed layout of this area.'</u>	
	119	Policy RSA17	<i>Include additional criterion as follows:</i> <u>'Development proposals should explore the opportunity to provide a footpath link to Chieveley recreation ground from the western part of the site adjoining the boundary of the Grade II listed the Old House.'</u>	For effectiveness. See WS6/1 Council response to Q6.34.
	121	Policy RSA18	<i>Include additional criterion as follows:</i> <u>'k iii detailed compute modelling of the River Pang which runs to the south of the site will be required to inform development proposals, including the latest Climate Change Allowances.'</u>	For effectiveness. As agreed in the Statement of Common Ground with the Environment Agency (EXAM24)
	121	Policy RSA18	<i>Amend criterion as follows:</i> <u>'n) ...The scheme # will also conserve and enhance explain how the special architectural and historic interest of the Compton Conservation Area and protect its setting has been taken into account..'</u>	To ensure that the scheme is designed to conserve and enhance the special architectural and historic importance of the conservation area and its setting. As agreed in the Statement of Common Ground with Historic England .
		Policy RSA21	<i>Include additional criterion as follows:</i>	To ensure proposals take account of this designated

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			'l) <u>The design of the development should protect the setting of the nearby Listed Building (Barnaby Thatch)</u> '	heritage asset and ensure that they avoid or minimise harm to its significance. As agreed in the Statement of Common Ground with Historic England .
		Policy RSA22	<i>Amend criterion as follows:</i> 'd) ... ii) Retain the land <u>in</u> to the north of the site as an open area which could have a character of a village green;'	To remove ambiguity. For effectiveness. See WS6/1 Council response to Q6.45.
		Policy RSA22	<i>Amend criterion as follows:</i> 'k) A Heritage Impact Assessment will be required due to the presence of non-designated heritage assets <u>and the nearby Scheduled Monument (Grimsbury Castle)</u> .'	To ensure proposals take account of this designated heritage asset and ensure that they avoid or minimise harm to its significance. As agreed in the Statement of Common Ground with Historic England
		Policy RSA22	<i>Include additional criterion as follows:</i> 'l) <u>Development will be informed by an archaeological desk based assessment as a minimum and field evaluation if required to assess the historic environment potential of the site.</u> '	To ensure consistency across all the RSA policies. As agreed in the Statement of Common Ground with Historic England .

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		Policy RSA22	<p><i>Include additional criterion as follows:</i></p> <p><u>'l) Part of the site is underlain by aggregate mineral deposits and a Minerals Resource Assessment will be required'</u></p>	For effectiveness. Part of the site is underlain by aggregate mineral deposits. See WS6/1 Council response to Q6.45.
	134 136	Policy RSA24 Policy RSA25	<p><i>Include additional criterion as follows:</i></p> <p>'A drainage strategy will be provided in advance of development to ensure the provision of adequate and appropriate waste water infrastructure. Development will be occupied in line with this strategy.'</p>	To ensure adequate and appropriate infrastructure for wastewater is provided both on and off site. As agreed in the Statement of Common Ground with the Environment Agency (EXAM24)
	136	Policy RSA25	<p><i>Remove criterion as follows:</i></p> <p>'k) No caravans will be permitted within Flood Zones 2 and 3 at the northern edge of the site'.</p>	There is no flood zone 2/3 within the site. As agreed in the Statement of Common Ground with the Environment Agency (EXAM24)
	138	Paragraph 8.3	<p><i>Amend paragraph 8.3 and insert additional text and table after first sentence as follows:</i></p> <p>Sites allocated for employment land</p>	To reflect the deletion of policy SP21. See Council response to PQ14 .

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			<p><u>8.3 8.10 Policies for the employment site allocations are set out below. The following sites will be allocated to facilitate the growth and forecasted change in industrial land over the plan period to 2039:</u></p> <table border="1" data-bbox="651 456 1682 930"> <thead> <tr> <th data-bbox="651 456 779 549"><u>Policy Ref:</u></th> <th data-bbox="779 456 1323 549"><u>Site Name:</u></th> <th data-bbox="1323 456 1529 549"><u>Approximate floorspace (sqm)</u></th> <th data-bbox="1529 456 1682 549"><u>Use</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="651 549 779 624"><u>ESA1</u></td> <td data-bbox="779 549 1323 624"><u>Land east of Colthrop Industrial Estate, Thatcham</u></td> <td data-bbox="1323 549 1529 624"><u>20,400</u></td> <td data-bbox="1529 549 1682 624"><u>B2/B8</u></td> </tr> <tr> <td data-bbox="651 624 779 699"><u>ESA2</u></td> <td data-bbox="779 624 1323 699"><u>Land west of Ramsbury Road, Membury Industrial Estate</u></td> <td data-bbox="1323 624 1529 699"><u>10,381</u></td> <td data-bbox="1529 624 1682 699"><u>B2/B8</u></td> </tr> <tr> <td data-bbox="651 699 779 774"><u>ESA3</u></td> <td data-bbox="779 699 1323 774"><u>Land to the south of Trinity Grain, Membury Industrial Estate, Lambourn Woodlands</u></td> <td data-bbox="1323 699 1529 774"><u>5,200</u></td> <td data-bbox="1529 699 1682 774"><u>Egiii/B2</u></td> </tr> <tr> <td data-bbox="651 774 779 818"><u>ESA4</u></td> <td data-bbox="779 774 1323 818"><u>Beenham Landfill, Pips Way, Beenham</u></td> <td data-bbox="1323 774 1529 818"><u>14,000</u></td> <td data-bbox="1529 774 1682 818"><u>B2/B8</u></td> </tr> <tr> <td data-bbox="651 818 779 863"><u>ESA5</u></td> <td data-bbox="779 818 1323 863"><u>Northway Porsche, Grange Lane, Beenham</u></td> <td data-bbox="1323 818 1529 863"><u>6,400</u></td> <td data-bbox="1529 818 1682 863"><u>Egiii/B2</u></td> </tr> <tr> <td data-bbox="651 863 779 930"><u>ESA6</u></td> <td data-bbox="779 863 1323 930"><u>Land adjacent to Padworth IW MF, Padworth Lane</u></td> <td data-bbox="1323 863 1529 930"><u>12,400</u></td> <td data-bbox="1529 863 1682 930"><u>B2/B8</u></td> </tr> </tbody> </table> <p><u>811 The Council will seek to ensure that sufficient sites are provided in the right locations to foster sustainable economic growth. The allocated sites are focused around or near to areas of existing employment activity, and mainly adjacent to defined Designated Employment Areas. Those sites allocated on land adjacent to a DEA, will, through this LPR, now form part of that DEA.</u></p> <p><u>Thatcham</u> <u>8.12 Thatcham’s main industrial area is Colthrop Estate, comprising a mix of larger distribution units and smaller workshops, and is described in the ELR as ‘the District’s premier logistics and distribution park’. There are some vacancies in the office stock, and a very high occupancy in the</u></p>	<u>Policy Ref:</u>	<u>Site Name:</u>	<u>Approximate floorspace (sqm)</u>	<u>Use</u>	<u>ESA1</u>	<u>Land east of Colthrop Industrial Estate, Thatcham</u>	<u>20,400</u>	<u>B2/B8</u>	<u>ESA2</u>	<u>Land west of Ramsbury Road, Membury Industrial Estate</u>	<u>10,381</u>	<u>B2/B8</u>	<u>ESA3</u>	<u>Land to the south of Trinity Grain, Membury Industrial Estate, Lambourn Woodlands</u>	<u>5,200</u>	<u>Egiii/B2</u>	<u>ESA4</u>	<u>Beenham Landfill, Pips Way, Beenham</u>	<u>14,000</u>	<u>B2/B8</u>	<u>ESA5</u>	<u>Northway Porsche, Grange Lane, Beenham</u>	<u>6,400</u>	<u>Egiii/B2</u>	<u>ESA6</u>	<u>Land adjacent to Padworth IW MF, Padworth Lane</u>	<u>12,400</u>	<u>B2/B8</u>	
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			<p><u>industrial and warehousing stock. The allocated site to the east of the Colthrop Estate (ESA1) is a logical extension and would aid in meeting the identified need in the Urban Area of Thatcham.</u></p> <p><u>Membury Industrial Estate</u> <u>8.13 The ELR outlines that to support the creation of local job opportunities in the more western rural areas, DEA boundaries could be extended at Membury Industrial Estate. Membury has seen a number of redevelopments and expansions, including outline planning permission granted for industrial use on one of the two proposed allocated sites (ESA2). The allocated sites at Membury (ESA2 and ESA3) and extending the DEA boundary will aid in addressing a local and rural demand.</u></p> <p><u>Beenham</u> <u>8.14 Beenham Grange Industrial Area is largely occupied by industrial operators, with a mix of locally based companies and larger companies servicing the area. At the time of the ELR there were no available industrial units, reflecting the nature of the industrial market in this location. The sites allocated in this area (ESA4, ESA5 and ESA6) would aid in meeting the identified need towards the east of the District. The site at Northway Porsche would encourage light industrial units, compatible with surrounding uses. The site at Padworth sidings, whilst it is not directly adjacent to a DEA, it would make use of brownfield land and is adjacent to the Padworth Household Waste Recycling Centre.</u></p> <p><u>8.15 For each site policy (ESA1-ESA6), the site allocation is identified on the indicative site map. The area shown on the map is the gross site area. The policies provide approximate floor space for development, based on standard plot ratios as set out within the HELAA, unless the site promoter has suggested a development potential that is lower than that calculated.</u></p>	

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			The actual floorspace achieved may vary slightly depending on the detailed design work carried out in preparation for a planning application and will be influenced by the topography and other specific site characteristics.	
	138 140 142 144 146 148	Policy ESA1 Policy ESA2 Policy ESA3 Policy ESA4 Policy ESA5 Policy ESA6	<p><i>Include additional criterion as follows:</i></p> <p><u>'An integrated water supply and drainage strategy will be provided in advance of development to ensure the provision of adequate and appropriate infrastructure for water supply and wastewater, both on and off site. Such a strategy should include details of the phasing of development to consider likely upgrades needed for the water supply network infrastructure. Development will be occupied in line with this strategy.'</u></p>	To ensure adequate and appropriate infrastructure for water supply and wastewater are provided both on and off site and to ensure consistency across all the RSA policies. As agreed in the Statement of Common Ground with Thames Water and as agreed in the Statement of Common Ground with the Environment Agency (EXAM24)
	140 142	Policy ESA2 Policy ESA3	<p><i>Include additional criterion as follows:</i></p> <p><u>'m) Development will be informed by an archaeological desk based assessment as a minimum and field evaluation if required to assess the historic environment potential of the site.'</u></p>	To ensure consistency across all the ESA policies. As agreed in the Statement of Common Ground with Historic England .
	146	Policy ESA5	<p><i>Include additional criterion as follows:</i></p> <p><u>'m) Development will be informed by a desk based assessment (as a minimum) detailing the likelihood and extent of land contamination, followed</u></p>	For effectiveness. As agreed in the Statement of Common Ground with the Environment Agency

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<u>by, where necessary, an intrusive investigation and undertaking of appropriate remediation measures. Further monitoring may be required depending on the nature of contamination and remediation.'</u>	(EXAM24)
Chapter 10 Development Management Policies: Our Environment and Surroundings				
	165	Policy DM7	<p><i>Amend second sentence of second paragraph of the policy as follows:</i></p> <p>'...All new residential developments (including replacement dwellings) will meet the Building Regulation optional higher water efficiency standard of 110 litres per person per day, <u>using the 'Fittings Approach' as set out in in table 2.2 of the Building Regulations part G2.'</u></p> <p><i>Amend penultimate paragraph of the policy as follows:</i></p> <p><u>'Where upgrades to water supply and wastewater are required and where there is a capacity constraint the Local Planning Authority will, where appropriate, apply phasing conditions to any approval to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of the relevant phase of development. consideration should be given to phasing the development so that the necessary infrastructure is in place. The identified need for the development or expansion of other water supply or wastewater facilities, required for existing or proposed development, is an important material consideration in the consideration of planning applications for such proposals.'</u></p>	To ensure consistency with national policy. As agreed in the Statement of Common Ground with Thames Water .
Chapter 11 Development Management Policies: Delivering Housing				
	192	Table 7 Gypsy and Traveller	<i>Replace Table 7 within the supporting text of Policy DM20 as follows:</i>	To provide a clearer position of the

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification																																							
		Accommodation Assessment Identified Need 2021/22 to 2037/38 cultural need/PPTS need	<p><u>Table 7 Gypsy and Traveller Accommodation Assessment Identified Need 2021/22 to 2037/38 cultural need/PPTS need. Supply as of September 2023</u></p> <table border="1" data-bbox="663 469 1565 1075"> <thead> <tr> <th colspan="3" style="background-color: #008080; color: white;">Table Addressing Gypsy and Traveller pitch need updated</th> </tr> <tr> <th style="background-color: #e0f2f1;">West Berkshire</th> <th style="background-color: #e0f2f1;">Cultural Need</th> <th style="background-color: #e0f2f1;">Of which PPTS NEED</th> </tr> </thead> <tbody> <tr> <td>5yr Authorised Pitch Shortfall (2021/22 to 2025/26) (A)</td> <td style="text-align: center;">13</td> <td style="text-align: center;">9</td> </tr> <tr> <td><i>Supply: Additional residential pitches (B1) – Paices Hill transit to residential</i></td> <td style="text-align: center;">8</td> <td style="text-align: center;">8</td> </tr> <tr> <td><i>Supply: Additional residential pitches (B2) – Additional pitch at Four Houses Corner</i></td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td><i>Supply: Additional residential pitches (B3) – Additional pitch at Ermin Street, Lambourn Woodlands</i></td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Residual need 2021/22 to 2025/26 with additional residential pitches included in supply (C) = A-B1-B2-B3</td> <td style="text-align: center;">3</td> <td style="text-align: center;">-1</td> </tr> <tr> <td>Longer-term need 2026/27 to 2037/38 (D)</td> <td style="text-align: center;">17</td> <td style="text-align: center;">11</td> </tr> <tr> <td>Residual need 2021/22 to 2037/38 with additional residential pitches included in supply (E) = C+D</td> <td style="text-align: center;">20</td> <td style="text-align: center;">10</td> </tr> <tr> <td>Summary</td> <td style="background-color: #e0f2f1;">Cultural Need</td> <td style="background-color: #e0f2f1;">Of which: PPTS NEED</td> </tr> <tr> <td><i>Plan period Authorised Pitch Shortfall (2021/22 to 2037/38) (F)</i></td> <td style="text-align: center;">30</td> <td style="text-align: center;">20</td> </tr> <tr> <td><i>Permanent pitches with planning permission or planned (G)</i></td> <td style="text-align: center;">10</td> <td style="text-align: center;">10</td> </tr> <tr> <td>Residual need 2021/22 to 2037/38 after potential pitch development considered (F-G)</td> <td style="text-align: center;">20</td> <td style="text-align: center;">10</td> </tr> </tbody> </table>	Table Addressing Gypsy and Traveller pitch need updated			West Berkshire	Cultural Need	Of which PPTS NEED	5yr Authorised Pitch Shortfall (2021/22 to 2025/26) (A)	13	9	<i>Supply: Additional residential pitches (B1) – Paices Hill transit to residential</i>	8	8	<i>Supply: Additional residential pitches (B2) – Additional pitch at Four Houses Corner</i>	1	1	<i>Supply: Additional residential pitches (B3) – Additional pitch at Ermin Street, Lambourn Woodlands</i>	1	1	Residual need 2021/22 to 2025/26 with additional residential pitches included in supply (C) = A-B1-B2-B3	3	-1	Longer-term need 2026/27 to 2037/38 (D)	17	11	Residual need 2021/22 to 2037/38 with additional residential pitches included in supply (E) = C+D	20	10	Summary	Cultural Need	Of which: PPTS NEED	<i>Plan period Authorised Pitch Shortfall (2021/22 to 2037/38) (F)</i>	30	20	<i>Permanent pitches with planning permission or planned (G)</i>	10	10	Residual need 2021/22 to 2037/38 after potential pitch development considered (F-G)	20	10	requirements versus the supply. See Council response to PQ34
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Chapter 12 Development Management Policies: Fostering Economic Growth & Supporting Local Communities																																											
	230	Policy DM41	<p><i>Delete paragraph within the policy as follows:</i></p> <p>Fibre to the Premises:</p> <p>a. All residential developments and all new employment generating development will enable Fibre to the Premises (FTTP) at first occupation;</p>	To reflect amendments made to the Building Regulations.																																							

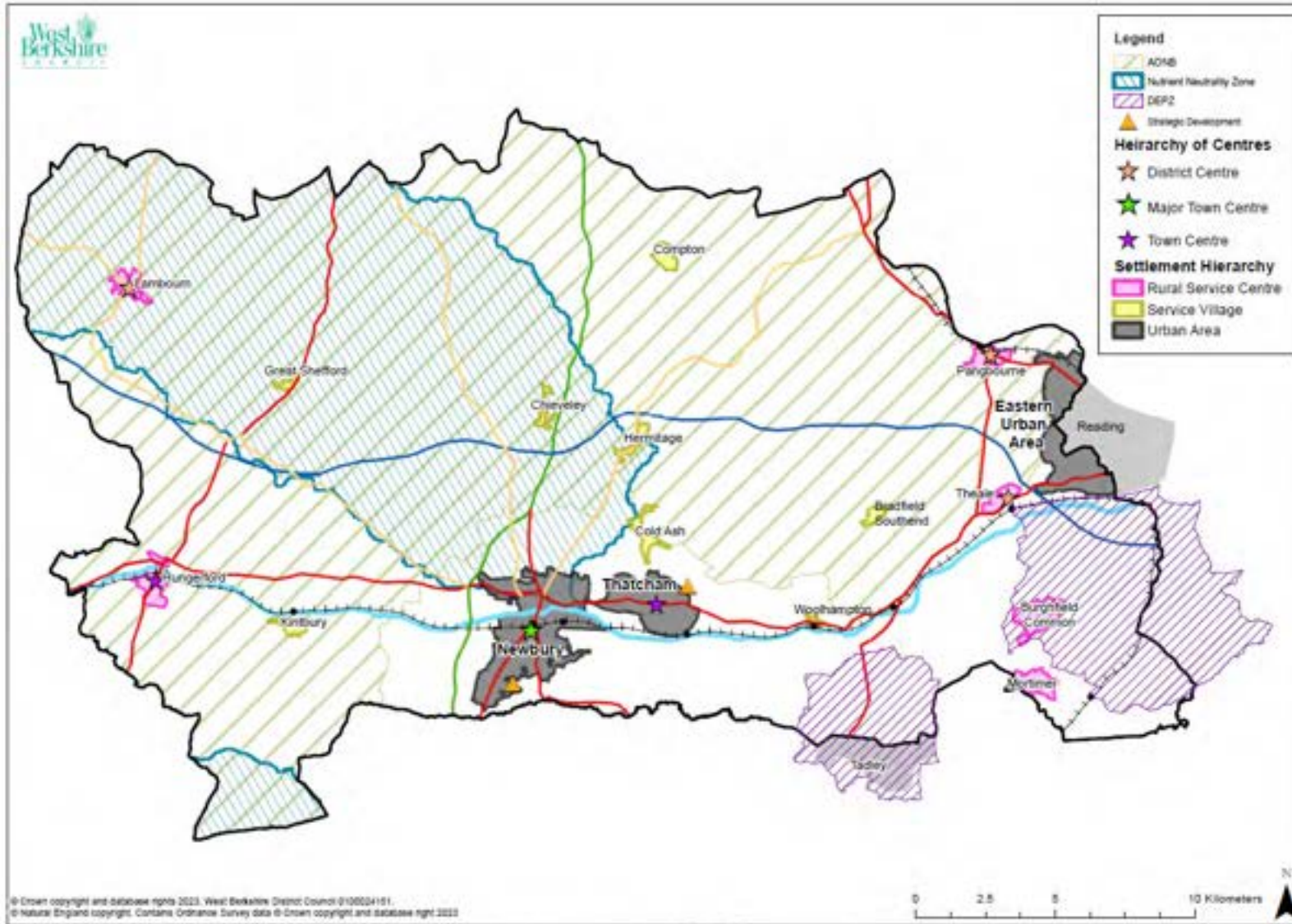
Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<p>b. All new dwellings, including those provided via building conversions, must be designed and constructed in a way that enables them to meet or exceed the government’s building regulations relating to the provision of high speed FTTP infrastructure in the home or any subsequent national equivalent standard should the building regulations and/or national policy be reviewed in the future;</p> <p>c. Where it can be demonstrated that FTTP is not practical, the fastest viable connection should be delivered as well as ducting to allow future delivery of FTTP.</p>	
		<p>Policy DM43 and supporting text</p>	<p><i>Amend the policy and supporting text as follows:</i></p> <p>‘Policy DM43 Theale Rail – Road Transfer Site</p> <p>The site at Wigmore Lane in Theale, as defined on the Policies Map, shall be <u>safeguarded as a rail – road transfer facility</u>. site at Theale is reserved solely for those industries which require a rail-road transfer facility and access to the highway network.</p> <p><u>Redevelopment for any uses not expressly for this purpose of the site, in part or in whole, for uses that would compromise the operation of this facility will not be permitted.</u></p> <p>Supporting text</p> <p>12.100 The rail - road transfer site at Wigmore Lane, Theale, is an important infrastructure facility within the District allowing for the transfer of goods from rail to road, <u>and this policy seeks to safeguard the site, as defined on the Policies Map, as a rail – road transfer facility.</u></p> <p>12.101 The facility is primarily an aggregates terminal, and the <u>West</u></p>	<p>For effectiveness. As agreed in the Statement of Common Ground with Network Rail, Englefield Estate and Beftonforth</p>

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
			<p><u>Berkshire Minerals and Waste Local Plan 2022-2037 safeguards the site to ensure the supply of minerals and the continued export of minerals from the District by road. Proposals for Any non-mineral and waste development on the site would need to comply with the exceptions set out in Policy 9 of the West Berkshire Minerals and Waste Local Plan 2022 - 2037. Should the exceptions be deemed to apply, Policy DM43 will ensure the site continues to remain in use as a rail – road transfer facility, allowing the continued movement of freight from rail to road for other industries requiring such a facility, including for example the transfer of consumer goods.</u></p> <p>12.102 Nonetheless, <u>The movement of freight by rail is vital to the local economy and plays a significant role in reducing congestion and carbon emissions. Many industries rely on rail freight for the movement of goods, and with the drive to reduce carbon emissions globally it is expected that demand for rail freight will continue to grow. transport of consumer goods by rail continues to be important for the local economy and Theale is the only location which offers rail - road transfer facilities in the area and which may have the potential to support rail freight growth. †The site should be protected to ensure the infrastructure exists to allow for the transfer of rail freight for those industries which require a rail-road transfer facility and access to the highway network.</u></p> <p>12.103 The extent of the rail-road transfer site is defined on the Policies Map.'</p>	
Appendices				
	258	Appendix 6	<i>Delete Appendix 6 How policies are applied in a neighbourhood planning context</i>	To ensure consistency with national policy. See Council response to PQ44

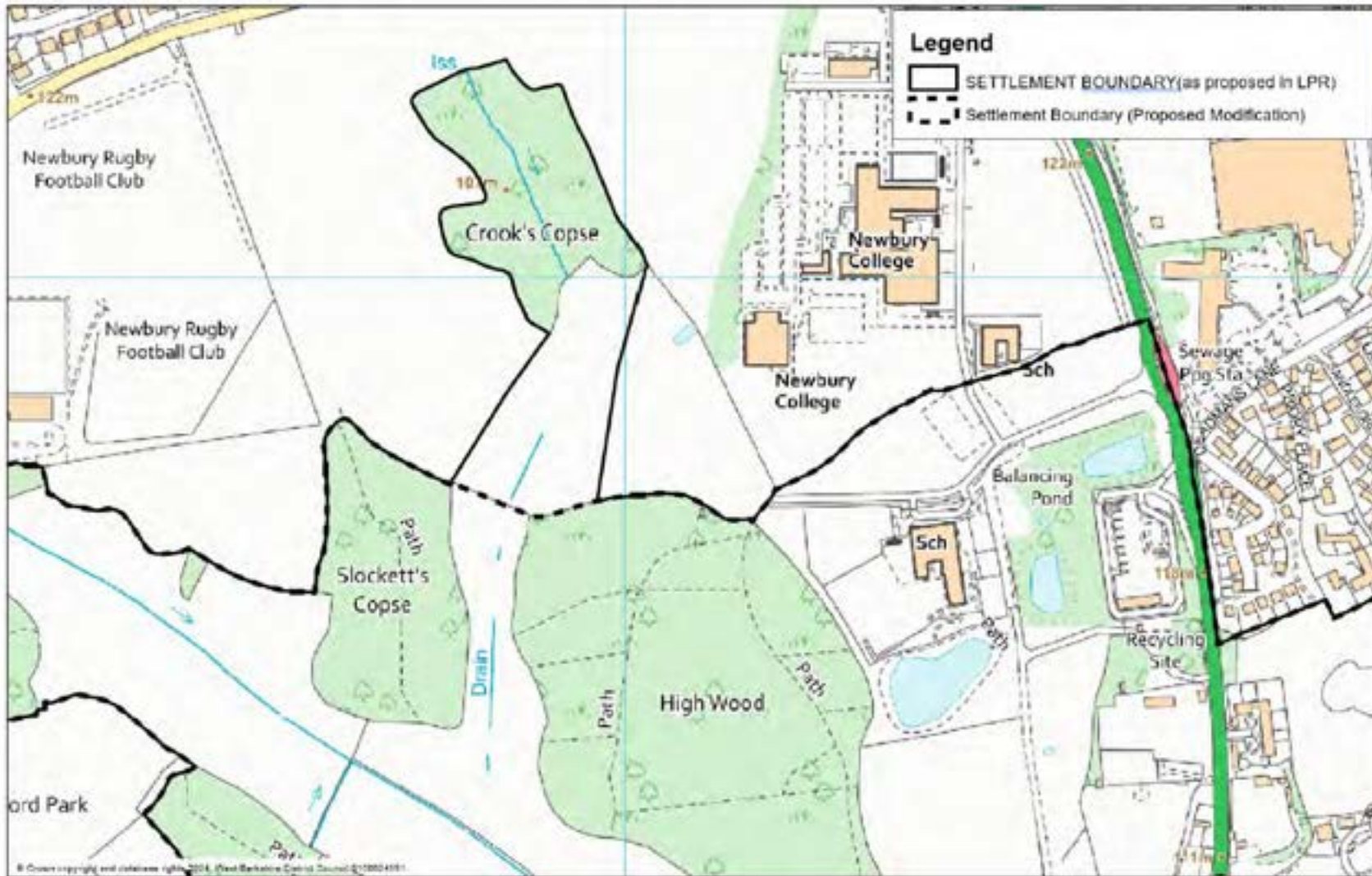
Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification								
	267	Appendix 7	<p><i>Delete the text under the table in appendix 7 as follows:</i></p> <p>The following site allocation policies from both the West Berkshire Core Strategy 2006-2026 and the Housing Site Allocations DPD 2006-2026 have not been carried forward as part of the LPR as they have either been built out or are nearing completion.</p> <ul style="list-style-type: none"> • CS2 Newbury Racecourse strategic site allocation • HSA7 St Gabriels Farm, The Ridge, Cold Ash • HSA8 Land to the east of Sulham Hill, Tilehurst • HSA10 Stonehams Farm, Tilehurst • HSA12 Bath Road, Calcot • HSA17 Land to the north of the A4, Woolhampton • HSA18 Salisbury Road, Hungerford • HSA21 Land north of Pangbourne Hill, Pangbourne • HSA22 Stretton Close, Bradfield Southend • HSA26 Land east of Laylands Green, Kintbury <p>The following site allocation policies from the Housing Site Allocations DPD 2006-2026 have not been carried forward as part of the LPR because they are not considered deliverable at this time:</p> <ul style="list-style-type: none"> • HSA6 Poplar Farm, Cold Ash • HSA16 The Hollies, Burghfield Common <p><i>Insert list of policies into the ‘superseded Housing Site Allocations DPD 2006-2026 policy’ column adjacent to Policy SP12 as follows:</i></p> <table border="1" data-bbox="651 1342 1727 1402"> <thead> <tr> <th data-bbox="651 1342 810 1402">Local Plan</th> <th data-bbox="810 1342 1016 1402">Superseded West</th> <th data-bbox="1016 1342 1209 1402">Superseded West</th> <th data-bbox="1209 1342 1727 1402">Superseded Housing Site Allocations DPD 2006-2026 Policy</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Local Plan	Superseded West	Superseded West	Superseded Housing Site Allocations DPD 2006-2026 Policy					<p>To make clear that the HSA DPD site policies that are not to be retained, as listed in Appendix 7 of the LPR, will be superseded by Policy SP12 which makes clear that provision will be made for additional homes across the District and these homes will come from a range of sources, including site allocations and existing commitments. See Council response to PQ11</p>
Local Plan	Superseded West	Superseded West	Superseded Housing Site Allocations DPD 2006-2026 Policy									

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification				Reason for modification
			Review Policy	Berkshire District Local Plan 1991-2006 Policy	Berkshire Core Strategy 2006-2025 Policy		
			SP12 Approach to Housing Delivery	-	CS1 Delivering new homes and retaining the housing stock	<u>CS2 Newbury Racecourse strategic site allocation</u> <u>HSA6 Poplar Farm, Cold Ash</u> <u>HSA7 St Gabriels Farm, The Ridge, Cold Ash</u> <u>HSA8 Land to the east of Sulham Hill, Tilehurst</u> <u>HSA10 Stonehams Farm, Tilehurst</u> <u>HSA12 Bath Road, Calcot</u> <u>HSA16 The Hollies, Burghfield Common</u> <u>HSA17 Land to the north of the A4, Woolhampton</u> <u>HSA18 Salisbury Road, Hungerford</u> <u>HSA21 Land north of Pangbourne Hill, Pangbourne</u> <u>HSA22 Stretton Close, Bradfield Southend</u> <u>HSA26 Land east of Laylands Green, Kintbury</u>	
	269	Appendix 8	<i>Update the housing trajectory</i>				As set out in the Council's response to the Inspector's Supplementary Question 7.1

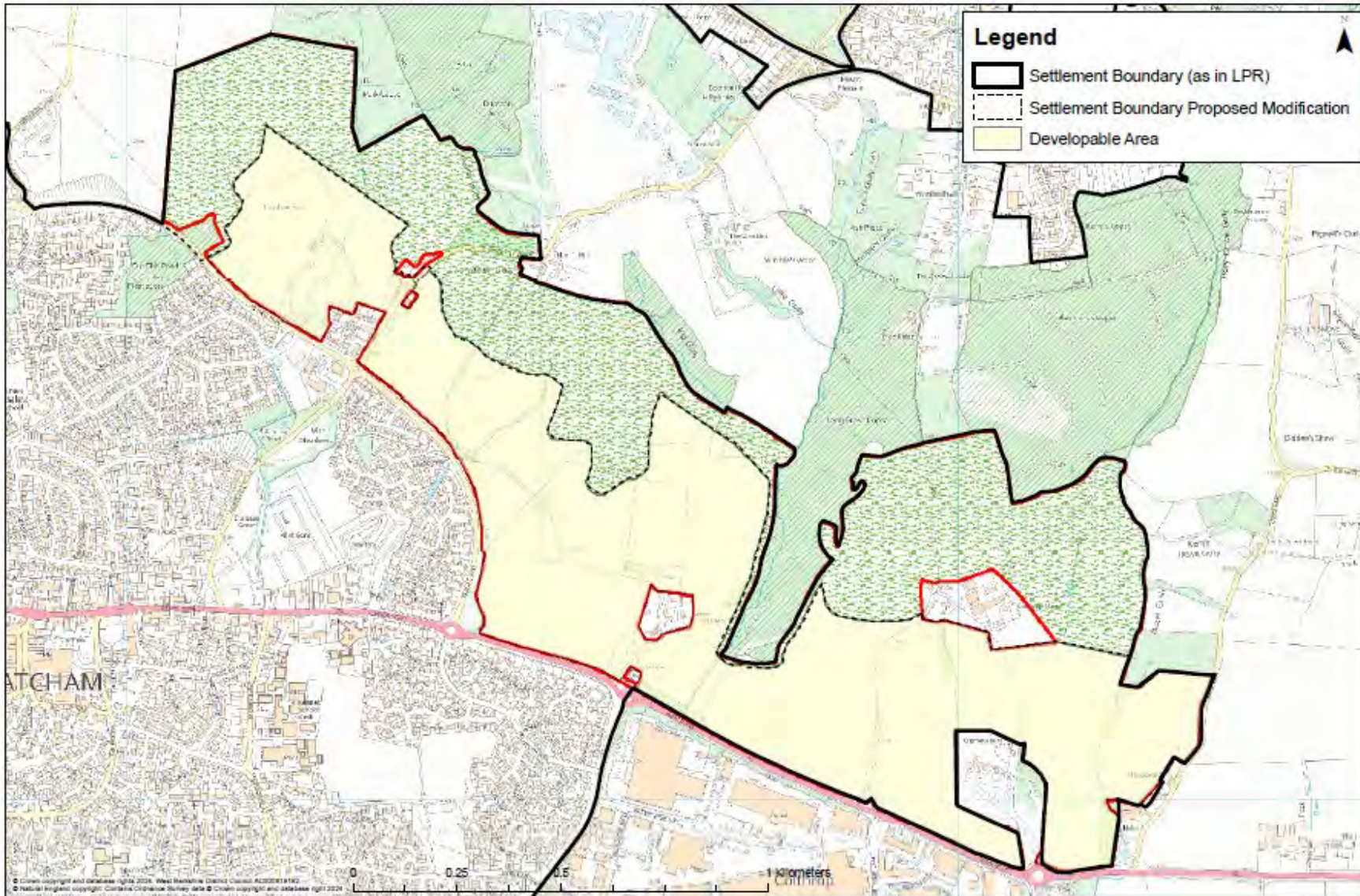
Key Diagram



Proposed main modification to the settlement boundary of Newbury



North East Thatcham

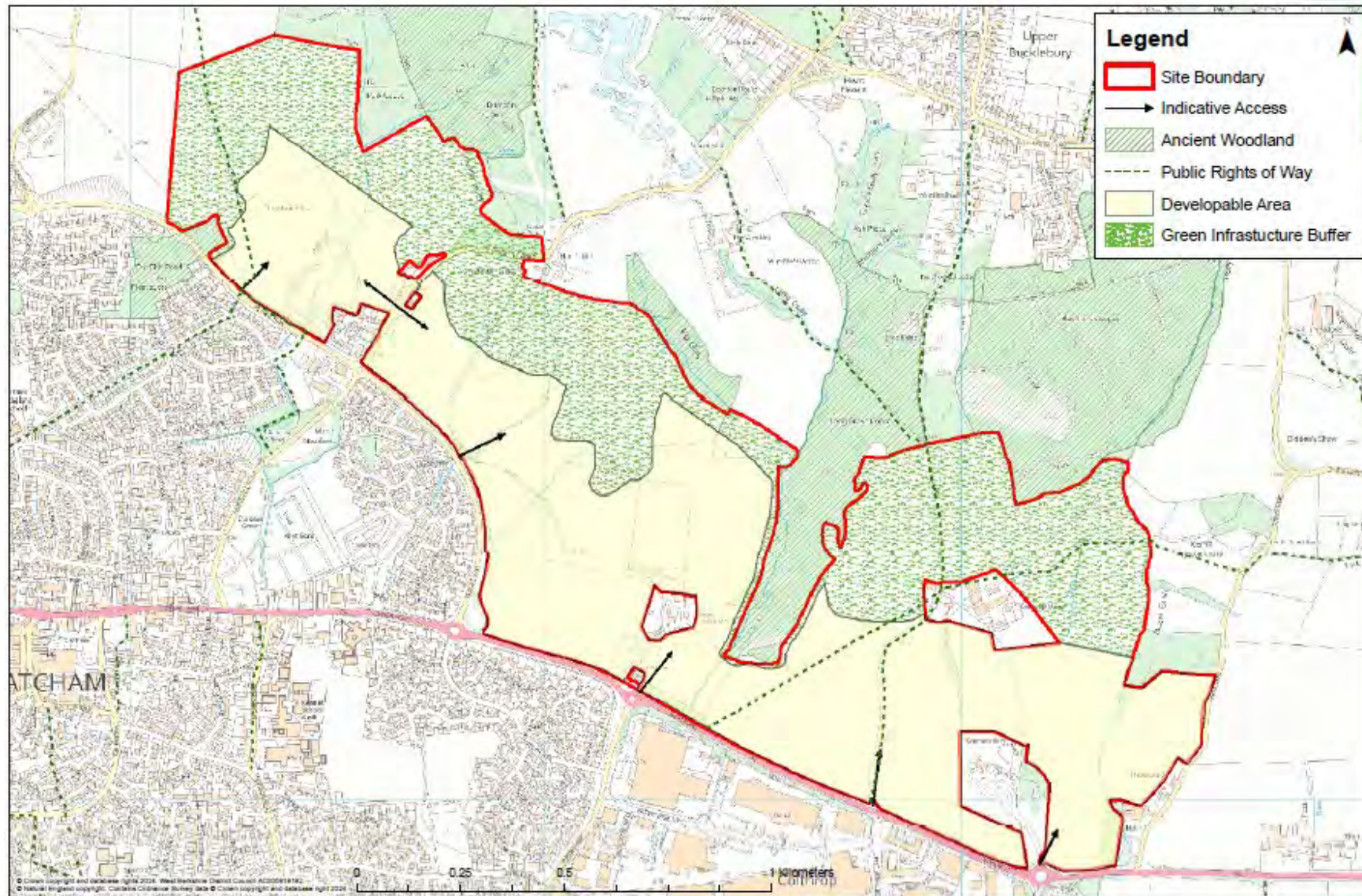


Annex D

Proposed main modification to the Sandieford Park strategic site boundary



North East Thatcham



INSPECTOR'S PRELIMINARY QUESTIONS TO THE COUNCIL (IN2)

and

WEST BERKSHIRE COUNCIL RESPONSE

September 2023

Duty to cooperate

Inspector:

The Duty to Cooperate Statement¹ provides information about engagement with local planning authorities and prescribed bodies on strategic matters² during the preparation of the Plan in the context of section 33A of the 2004 Act.

PQ1. What were the strategic matters that the Council needed to address during the preparation of the Plan?

Council response:

The strategic matters that the Council originally identified it needed to address during the preparation of the LPR are set out in Section 4 of the Duty to Cooperate Statement ([CD11](#)). These are:

- *Tackling climate change*
- *Sustainable and quality development*
- *Housing needs*
- *Economy*
- *North Wessex Downs AONB*
- *Green infrastructure and healthy living*
- *Transport*
- *Infrastructure requirements*

Paragraphs 4.4 and 4.5 of the Duty to Cooperate Statement ([CD11](#)) acknowledge that some of these matters are more critical for the preparation of the LPR than others and have required more attention as work has progressed. They also recognise that some matters have evolved in response to the emerging evidence base. This has included consideration of the strategic site at Grazeley.

¹ CD11.

² A "strategic matter" is (a) sustainable development or use of land that has or would have a significant impact in at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and (b) sustainable development or use of land in a two-tier area if the development or use is a county matter or would have a significant impact on a county matter [section 33A(4) of the 2004 Act].

More detail of those matters that have required particular cooperation, the key bodies involved and the work that has been undertaken to date are set out in Section 5 of the Duty to Cooperate Statement ([CD11](#)). These include:

- *Consideration of the strategic site at Grazeley*
- *Impact of the Detailed Emergency Planning Zone (DEPZ) around the Atomic Weapons Establishments at Aldermaston and Burghfield*
- *Reading Borough Council's unmet housing needs*
- *Meeting the housing need for Gypsies and Travellers*
- *Meeting the identified need for employment land*
- *Ensuring due regard is paid to the primary purpose of the designation of the North Wessex Downs AONB*
- *The impact of development on the strategic highway network*
- *The approach to tackling health and wellbeing*
- *Flood risk and the impact of development on water quality, including the protection of protected sites through Nutrient Neutrality Zones*
- *Water resources and wastewater infrastructure*

PQ2. What were the main mechanisms that were used to engage constructively, actively and on an ongoing basis with the relevant local planning authorities and other prescribed bodies to address the strategic matters during the preparation of the Plan?

Council response:

Details of the main mechanisms the Council has used to engage with the relevant local planning authorities and other prescribed bodies to address the strategic matters identified are set out in Sections 5 and 6 and Appendix 3 of the Duty to Cooperate Statement ([CD11](#)). This work has been an integral part of the preparation of the Local Plan Review and its evidence base and has included:

- *Continuation of partnership working through regular meetings of established bodies including steering groups and working groups at both an officer and member level*
- *Specific meetings arranged as necessary to discuss particular issues and topics at both an officer and member level*
- *Workshops held on specific issues and projects, involving both officers and members where appropriate*
- *Written and verbal technical advice sought and received at both informal and formal stages of the plan preparation process*
- *Individual site visits to discuss particular issues as necessary in the consideration of the suitability of potential sites for development*
- *The development of joint methodologies*
- *The preparation of funding bids*
- *Preparation and use of a joint evidence base*
- *The preparation of Memorandum of Agreements*
- *The preparation of Statements of Common Ground*

PQ3. Have any local planning authorities or other prescribed bodies made representations under regulation 20, or subsequently in discussions about the duty to cooperate statement of common ground, that claim the duty to cooperate has not been complied with?

Council response:

Yes, there have been a few representations made in relation to the duty to cooperate. Those comments that have been made in respect of the strategic matters identified are set out below:

- **Impact of the Detailed Emergency Planning Zone (DEPZ) around the Atomic Weapons Establishments (AWE) at Aldermaston and Burghfield**

Basingstoke and Deane Borough Council (ID: PS1722) has ongoing concerns about how restrictions relating to the AWE are applied to its borough and, most notably, the limitations they place on future sustainable growth at Tadley. The council would like to continue to work proactively with Emergency Planners at West Berkshire to ensure a suitable approach is taken to future growth and change and that all options, including suitable housing allocations, are fully considered.

- **Reading Borough Council's unmet housing needs**

Bracknell Forest Borough Council (ID: PS218) currently considers the LPR to be unsound because it is not yet clear how the unmet need is to be addressed by the other authorities in the Housing Market Area. It considers that this has implications for the duty to cooperate and so requests that further consideration is given to this matter.

The Home Builders Federation (ID: PS1680) also highlights the same issue and questions the effectiveness of the cooperation which pushes back consideration of the issue to a future plan review.

- **Meeting the housing need for Gypsies and Travellers**

Basingstoke and Deane Borough Council (ID: PS1724) wishes to ensure that West Berkshire Council is meeting its needs in full and that the Plan takes account of any potential impacts upon the borough and its residents. It has concerns about the shortfall in provision in terms of gypsy and traveller pitch provisions and is keen to continue to engage in suitable discussions under the Duty to Cooperate in relation to this issue.

- **Meeting the identified need for employment land**

Basingstoke and Deane Borough Council (ID: PS1723) wishes to ensure that West Berkshire Council is meeting its needs in full and that the Plan takes account of any potential impacts upon the borough and its residents. It has concerns about the shortfall in provision in terms of employment and is keen to continue to engage in suitable discussions under the duty to cooperate in relation to this issue.

- **The impact of development on the strategic highway network (SRN)**

National Highways (ID: PS1490) does not consider that the transport evidence base is sufficiently developed to inform a view on whether the plan is sound. It is concerned that the LPR does not currently make clear what is necessary in terms of transport intervention. Neither is it clear that the delivery of growth can be controlled such that it is in pace with the availability of necessary transport interventions and that unacceptable impacts on highway safety do not occur, or the cumulative impacts on the road network would not be severe. It makes clear that to ensure that the Local Plan is deliverable, the transport evidence base should demonstrate the impact on the SRN and as necessary identify suitable mitigation which has a reasonable prospect of delivery within the timescales of when the identified growth is planned. The Infrastructure Delivery Plan should then set out any SRN mitigation required to deliver the development.

Network Rail (ID: PS1093, PS1094, PS1097, PS1101, PS1104, PS1106) is concerned about the impact of the strategic development at North East Thatcham on the highway network and the existing level crossing at Thatcham. It also raised concern that the LPR failed to appropriately identify and support modal shift in the context of the trans-shipment of freight changes. In this context it commented that the growth and expansion of the road-rail transfer facilities at Theale should be supported in the Plan.

Hampshire County Council (ID: PS1075) is concerned about the potential implications of the strategic site at Sandford (Policy SP16) on the A339 within Hampshire and is keen to work with the Council to discuss modelling parameters and underlying assumptions. It is Hampshire County Council's view that strategic traffic should be routed via the A34, therefore any evidence provided to demonstrate the suitability of a new access onto the A339 should take account of this position and consider wider strategic routes to and from the site. The County Council would also like to be involved as a stakeholder in any discussions regarding any potential changes to Greenham Business Park which are likely to affect traffic flows of heavy vehicles which utilize the A339 in accessing or departing from the site.

- **Provision of primary health care**

Thatcham Town Council (ID: PS1690)) has expressed concern about the provision of primary health care in the LPR. It states that there is no mention of it in the Duty to Cooperate Statement ([CD11](#)). It points in particular to there being no cooperation with the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (ICB) in relation to the specific proposal for a 450 sq. metres GP surgery that would be offered to it as part of the strategic development at North East Thatcham. Cold Ash Parish Council (ID: PS415) concurs.

- **Evidence of ongoing cooperation and engagement**

The Home Builders Federation (ID: PS1680) highlights the lack of evidence to support any continuing engagement. It cites the West of Berkshire Strategic

Planning Group as an example and states that the Council will need to provide more detail if it is to show that it has co-operated effectively and met its legal duties.

Thatcham Town Council (ID: PS1698) is concerned that the Duty to Cooperate Statement itself is not legally compliant. It suggests that 'as a proposed submission document' the Duty to Cooperate Statement published as part of the Regulation 19 consultation in January 2023 cannot be modified because all proposed submission documents must have been available for inspection during the consultation period. It is also concerned that the Duty to Cooperate Statement or Statement of Common Ground was not made available prior to 6 January 2023. Neither of these issues it feels provide transparency to the public during the plan making process.

Other comments received relate to the perceived lack of consultation generally (with nothing specific on the duty to cooperate); previous concerns not being resolved; or relate to the soundness of the LPR itself. These include responses by Bucklebury Parish Council (ID: PS1226), Compton Parish Council (ID:PS330 & PS332) and Holybrook Parish Council (ID:PS615 PS621, PS626, PS634, PS636, PS646, PS648, PS651).

PQ4. What, if any, outstanding strategic matters are subject to ongoing discussions with any local planning authorities or other prescribed bodies and what is the latest position with regard to those?

Council response:

- **Impact of the Detailed Emergency Planning Zone (DEPZ) around the Atomic Weapons Establishments at Aldermaston and Burghfield**

The Council continues to work proactively and in partnership with neighbouring councils, including Basingstoke and Deane, as part of the AWE Off-Site Emergency Planning Group to ensure a suitable approach is taken to future growth and change around AWE.

- **Reading Borough Council's unmet housing needs**

Please see the Council's response to PQ24b.

- **Meeting the housing need for Gypsies and Travellers**

The Council is committed to preparing a separate Gypsies and Travellers DPD as set out in the Local Development Scheme (LDS) ([CD9](#)) and it is seeking to meet the requirements of the travelling community through this DPD. As part of its preparation the Council will continue to work proactively and in partnership with neighbouring councils, including Basingstoke and Deane as part of the duty to cooperate process.

- **Meeting the identified need for employment land**

Whilst the Council has formally sought assistance from neighbouring authorities with regards to employment needs within the District, the Council understands the current

position of Basingstoke and Deane Borough Council in terms of its ability to assist and as set out in the LPR the Council will seek to further address this matter through a timely five year review. The Council will continue to work with Basingstoke and Deane Borough Council and others as part of the duty to cooperate process on this issue.

- **The impact of development on the strategic highway network**

Please see the Council's response to PQ46.

- **Provision of primary health care**

The Council would point to paragraph 5.26 of the Duty to Cooperate Statement ([CD11](#)) which sets out how the Council has engaged constructively and actively on a regular basis with the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (ICB) in the production of the LPR. It makes clear that since October 2020 there have been regular monthly officer and ICB meetings where the implications of the LPR in terms of its impact on health care and possible future requirements are discussed. Meetings have also taken place with the NHS and the three GP surgeries who cover the North East Thatcham proposed strategic development (Burdwood, Chapel Row and Thatcham Healthcare) in September 2021 and December 2022. Whilst the nature of the provision of primary of health care on North East Thatcham is not set out in the Statement, it makes clear that the Duty has and is continuing to be complied with.

- **Evidence of ongoing cooperation and engagement**

In response to the other issues raised under PQ3, it is important to clarify that part of the requirement of the Duty to Cooperate is that it must be done on an ongoing basis. The Duty to Cooperate Statement produced in January 2023 therefore set out the position at that time. As a supporting document the Statement was then updated in March 2023 and was submitted to the Secretary of State alongside the LPR in accordance with Regulation 22(1)(e) of the Town & Country Planning (Local Planning) (England) Regulations (2012 as amended). Although the Memorandum of Understanding between the Berkshire Unitary Authorities on Strategic Planning and the Duty to Cooperate on Planning Matters in Berkshire has been publicly available since 2016, it is acknowledged that the Council did not publish the Western Berkshire Statement of Common Ground (signed in August 2021) on its website until January 2023.

Public consultation

Inspector:

Section 19(3) of the 2004 Act requires the Council to prepare the local plan in accordance with its statement of community involvement.

PQ5. (a) Is the Council satisfied that it prepared the Plan in accordance with its statement of community involvement?

(b) Were any concerns raised in representations made under regulation 20 that consultation failed to comply with the statement of community involvement or other legal requirements?

Council response:

PQ5 a) As outlined in the Consultation Statement ([CD4a](#)) it is considered that the consultation on the preparation of the Local Plan Review has been undertaken in accordance with the relevant Regulations and the Council's Statement of Community Involvement, adopted in January 2020.

PQ5 b) See responses to PQs 3-4 in respect of the Duty to Cooperate, as comments were made in relation to the Duty to Cooperate. The Statement of Community Involvement sets out how the Duty to Cooperate is undertaken.

In addition, and in summary, Thatcham Town Council raised the unavailability of the West Berkshire Council's website on 21st and 22nd January 2023 because of planned maintenance work. The Town Council commented that this effectively shortened the consultation by two days, to less than the 6 weeks required.

Representations commented on the type of consultation, as some respondents did not find the online system user friendly, with perceived reliance on web-based consultation. The representations suggested that this was problematic to those without internet or without knowledge of how to use the internet. A few representors commented that there were no public exhibitions or presentations.

In relation to North-East Thatcham many of the representors commented that there has been no consultation with the health authorities, Natural England and/or water operators.

Representors commented that the evidence base was not altogether available until January 2023 when the Regulation 19 consultation commenced (air quality, HELAA, Thatcham Strategic Growth Study). On the topic of the HELAA representors outlined that Members did not have sight of the HELAA at the December Council meeting, and therefore were not fully informed of the full evidence base for the site selections at the time of taking the decision to proceed with the Regulation 19 consultation. Representors were concerned that sites were selected and allocated, and the plan

finalised prior to finalisation of the HELAA site assessments, which were not presented to Members in advance of the consultation commencing.

Some representors considered that the consultation was confused by the then opposition Members' (Liberal Democrats) motion to stop the consultation due to the 'flaws in Local Plan evidence', at the 2 March 2023 Council meeting. Those representors stated that this would have impacted on decisions on whether to make representations.

Many comments suggested the consultation should have been delayed until the NPPF had been updated, with regards to housing targets. Furthermore, the timing of the Regulation 19 consultation conflicted with the consultation on the NPPF. Concern was raised through representations with the process of presenting the Local Plan to Members at Council, and not requiring the submission version of the Plan to go to a further Council meeting prior to submission to the Secretary of State.

Questions were also raised by Bucklebury Parish Council with respect to a lack of consultation for the Settlement Boundary Review (SBR) and the Infrastructure Delivery Plan (IDP). Consultation was launched in February to March 2020 on the SBR review, which this was undertaken at the time of the first COVID-19 lockdown. Bucklebury Parish Council (BPC) report they were not consulted, and WBC reported that BPC did not respond.

Equalities

Inspector:

Public authorities are required under section 149 of the Equality Act 2010 to have due regard to the following aims when exercising their functions:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic³ and persons who do not share it; and
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

An Equality Impact Assessment of the Plan was carried out⁴. This concludes that the Plan will have a positive impact on all people with protected characteristics through the delivery of housing (including affordable housing) and employment; improved transport and accessibility; and the provision of improved, and safe access to, open space, recreational, health, education, leisure, community and faith facilities and services. The assessment also found no evidence that the Plan will have a negative impact on people with protected characteristics.

PQ6. Were any concerns raised in representations made under regulation 20 that the Plan is likely to adversely affect persons who share relevant protected characteristics as defined in s149 of the Equality Act 2010?

Council response:

Yes, there were 8 comments made that the LPR would have a negative impact on people with protected characteristics.

Two local residents were concerned (ID:PS353) about the inclusivity of the consultation process, commenting that all public bodies have a duty to make public consultations available to all interested parties. This includes making reasonable adjustments for those parties who may have problems with complex language or reading. They stated that, implicitly, consultation should not be restricted to those parties who have greater resources. Restricting consultation to online only means that those parties who do not use the internet or have difficulties with reading/language are excluded.

In relation to the Equalities Impact Assessment itself, another local resident (ID:PS628) was concerned about the lack of detail and felt that it was inadequate with regards to key sub areas, key settlements and missing sites that should be in the LPR.

³ Age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

⁴ CD10.

A few comments were received in relation to older people. McCarthy Stone (ID:PS564) noted that it thought that policy SP18 Housing Type and Mix should be amended to emphasise the importance of older people.

In relation to policy DM19 Specialised Housing, Croudace Homes (ID:PS1528) commented that there was no direction or clarity provided regarding the location, quantum or types of specialist housing for older people needs over the plan period. Similarly, Tim North & Associates (ID:PS1517, PS1518, PS521) commented that the Plan has not fully taken into account the fact that the population of older people in England is growing rapidly, with the consequence that ensuring future housing supply is met on the basis of “Lifetime Homes Standards” will not of itself be either suitable or capable in meeting the accommodation requirements of various types of specialist older households. It believes there is a need to adopt a more flexible approach towards specialist housing for older people such as encompassing specialist housing for older people as a category which exceptionally may be provided as a form of residential development in the countryside, in accordance with Policy DM1, subject to a quantitative and qualitative need being shown.

Another local resident (ID:PS965) commented in relation to policy RSA11 Former Sewage Treatment Works, Theale. She was concerned that due to the lack of pavements in Crown Lane and Blossom Lane, wheelchair and disability scooter users, prams, pushchairs, children cycling to school, pedestrians and equestrians are all currently forced onto the road to compete with oncoming traffic.

Habitat Regulations Assessment

Inspector:

The habitat regulations assessment⁵ finds that the Plan, in combination with other plans and projects, has the potential to have significant effects on the integrity of the River Lambourn, Kennet and Lambourn Floodplain, and Kennet Valley Alderwoods Special Areas of Conservation. However, the assessment concludes that those in-combination effects can be avoided through a combination of strategic and proposal-specific mitigation measures.

The Duty to Cooperate Statement⁶ advises that the approach to the habitats regulations assessment has been developed in conjunction with Natural England; they agreed with the Council's initial screening opinion; the final assessment document has been developed following that screening; and the Council has requested entering into a statement of common ground with Natural England.

PQ7. Which policies in the Plan contain the strategic and proposal-specific mitigation measures that will ensure that significant effects on the integrity of the River Lambourn, Kennet and Lambourn Floodplain, and Kennet Valley Alderwoods Special Areas of Conservation will be avoided?

Council response:

The importance of the SACs is highlighted within the LPR, specifically in the following policies:

- *Policy SP11 Biodiversity and Geodiversity*
- *Policy DM6 Water Quality*
- *Policy DM8 Air Quality*
- *RSA2 Land at Bath Road, Speen*
- *RSA5 Land at Lower Way, Thatcham*
- *RSA14 Land adjoining Lynch Lane, Lambourn*
- *RSA15 Land at Newbury Road, Lambourn*
- *RSA17 Land at Chieveley Glebe, Chieveley*
- *RSA19 Land west of Spring Meadows, Great Shefford*
- *RSA20 Land off Charlotte Close, Hermitage*
- *RSA21 Land to the south east of the Old Farmhouse, Hermitage clause*
- *RSA22 Land adjacent to Station Road, Hermitage*

⁵ CD8.

⁶ CD11

**PQ8. (a) Are there any significant outstanding concerns from Natural England (or other representors) about the habitat regulations assessment?
(b) If so, what are they and what is being done to resolve them?
(c) When is the statement of common ground with Natural England expected to be finalised?**

Council response:

No, there are no significant outstanding concerns from Natural England.

The Council received an email from Natural England on 10 March 2023 (to be added to examination library) confirming that there were no major issues to report to date, but should any issues be identified a response would be provided before the Plan was submitted. No additional comments were received.

As Natural England has not identified any concerns with the HRA, the Council no longer believes a SoCG is necessary.

Viability assessment

Inspector:

Local plans should be informed by a proportionate assessment of viability that takes into account all relevant policies, and local and national standards, including the cost implications of the Community Infrastructure Levy (CIL) and section 106. The assessment should demonstrate that the total cumulative cost of all relevant policies will not undermine deliverability⁷. The Plan is supported by viability evidence⁸.

PQ9. (a) Does the viability evidence make reasonable assumptions about the cost of meeting all of the policy requirements included in the Plan along with any other relevant national standards?

Does the viability evidence make reasonable assumptions about (b) the value of development, and (c) the price a willing landowner would be likely to sell their land for?

(d) Does the 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?

Council response:

Yes, all the Council's viability evidence is set out in documents [VIA 1a](#), [b](#), [c](#), [di](#), [dii](#), [diii](#), [e](#) and [f](#) in the examination library.

PQ9 a) Yes. All the assumptions used are set out for each scenario and build type used to test the policies contained in the LPR. These are set out in detail in VIA 1b

PQ9b) Yes. The approach taken with regards establishing the value of development is set out in VIA 1 diii and VIA 1e.

PQ9c) Yes. VIA 1f provides details of residential and commercial property values and wider economic conditions at the time of the study that are West Berkshire specific.

PQ9d) Yes. Table G in VA1b provides an assessment of each policy on viability impact from Low/Marginal to High. Each of the high assessments is followed by a detailed comment such as "specific allowance made in addition to base build costs" the details of which are set out in VIA 1b Table B and also in Further Typology Sensitivity Testing for Stage 2 (update 2022) VIA 1b Table C.

⁷ PPG ID: 10 (2019).

⁸ VIA1a to VIA1f (Autumn 2022).

Climate change

Inspector:

Section 19(1A) of the 2004 Act requires development plan documents (taken as a whole) to include policies designed to secure that the development and use of land in the planning authority's area contributes to the mitigation of, and adaptation to, climate change.

PQ10. Which policies in the Plan are designed to secure that the development and use of land contributes to the mitigation of, and/or adaptation to, climate change?

Council response:

The principles of climate change adaptation and mitigation are embedded throughout the LPR, specifically Policy SP5 Responding to Climate Change, and supported by other policies within the LPR. These other policies include:

- *Policy SP1 – The Spatial Strategy*
- *Policy SP6 – Flood Risk*
- *Policy SP7 – Design Quality*
- *Policy SP9 – Historic Environment*
- *Policy SP10 – Green Infrastructure*
- *Policy SP11 – Biodiversity and Geodiversity*
- *Policy SP19 – Affordable Housing*
- *Policy SP23 - Transport*
- *Policy DM4 – Building Sustainable Homes and Businesses*
- *Policy DM5 – Environmental and Pollution Control*
- *Policy DM6 – Water Quality*
- *Policy DM7 – Water Resources and Waste Water*
- *Policy DM8 – Air Quality*
- *Policy DM15 – Trees, Woodland and Hedgerows*
- *Policy DM42 – Transport Infrastructure*
- *Policy DM44 - Parking*
- *Policy DM45 – Travel Planning*

In addition, each of the site-specific policies (RSA1-RSA23 and ESA1-ESA6) include the need for the design of the development on site to respond positively to the challenge of climate change and be designed for climate resilience, including maximising the efficient use of sustainable technologies, resources, materials and solar gain, in accordance with Policy SP5. The strategic site allocation policies (Policy SP16 and Policy SP17) also seek to respond positively to climate change, embedding the principles of climate change mitigation and adaptation into the new developments in accordance with Policy SP5.

Superseded policies

Inspector:

Regulation 8 parts (4) & (5) require that the policies in a local plan must be consistent with the adopted development plan unless the plan being examined contains a policy that is intended to supersede another policy in the adopted development plan and the plan states that fact and identifies the superseded policy.

Appendix 7 sets out a schedule of policies in the West Berkshire District Plan 1991-2006, the West Berkshire Core Strategy 2006-2026, and the Housing Site Allocations DPD 2006-2026 that will be superseded by policies in the Plan. However, at the end of Appendix 7 is a list of policies in the Housing Site Allocations DPD 2006-2026 that “have not been carried forward” as part of the Plan.

**PQ11. (a) How are each of the sites listed in Appendix 7 that “have not been carried forward” designated on the submission Policies Map⁹?
 (b) Which policies in the Plan are relevant to those designations?
 (c) Is it the intention that those site allocation policies that are not carried forward be superseded by policies in the Plan?**

Council response:

PQ11a) Each of the sites listed in Appendix 7 that have not been carried forward have not been shown on the submission Policies Map as these sites are to be deleted.

PQ11b) The sites listed in Appendix 7 that ‘have not been carried forward’ either have planning permission (under construction or complete) or are no longer considered to be deliverable. As such, these sites will now form part of the committed supply if they have planning permission or if they are no longer considered deliverable, the site is to be deleted, and this element of supply that was allocated through an existing HSA DPD will be superseded by other site allocations within the LPR in order to meet the housing requirement. Policy SP12 (including the proposed modifications identified through PQ14, PQ19 and PQ25) is therefore relevant these existing designations.

PQ11c) On reflection the Council consider that the HSA DPD site policies that are not to be retained as listed in Appendix 7 of the LPR will be superseded by Policy SP12 which makes clear that provision will be made for additional homes across the District and these homes will come from a range of sources, including site allocations and existing commitments.

The Council propose a modification to Appendix 7 to remove the text from under the table in the appendix and insert the list of policies into the ‘superseded Housing Site

⁹ CD2.

Allocations DPD 2006-2026 Policy' column adjacent to Policy SP12, as indicated below.

~~The following site allocation policies from both the West Berkshire Core Strategy 2006-2026 and the Housing Site Allocations DPD 2006-2026 have not been carried forward as part of the LPR as they have either been built out or are nearing completion.~~

- ~~• CS2 Newbury Racecourse strategic site allocation~~
- ~~• HSA7 St Gabriels Farm, The Ridge, Cold Ash~~
- ~~• HSA8 Land to the east of Sulham Hill, Tilehurst~~
- ~~• HSA10 Stonehams Farm, Tilehurst~~
- ~~• HSA12 Bath Road, Calcot~~
- ~~• HSA17 Land to the north of the A4, Woolhampton~~
- ~~• HSA18 Salisbury Road, Hungerford~~
- ~~• HSA21 Land north of Pangbourne Hill, Pangbourne~~
- ~~• HSA22 Stretton Close, Bradfield Southend~~
- ~~• HSA26 Land east of Laylands Green, Kintbury~~

~~The following site allocation policies from the Housing Site Allocations DPD 2006-2026 have not been carried forward as part of the LPR because they are not considered deliverable at this time:~~

- ~~HSA6 Poplar Farm, Cold Ash~~
- ~~HSA16 The Hollies, Burghfield Common~~

Local Plan Review Policy	Superseded West Berkshire District Local Plan 1991-2006 Policy	Superseded West Berkshire Core Strategy 2006-2025 Policy	Superseded Housing Site Allocations DPD 2006-2026 Policy
SP12 Approach to Housing Delivery	-	CS1 Delivering new homes and retaining the housing stock	<u>CS2 Newbury Racecourse strategic site allocation</u> <u>HSA6 Poplar Farm, Cold Ash</u> <u>HSA7 St Gabriels Farm, The Ridge, Cold Ash</u> <u>HSA8 Land to the east of Sulham Hill, Tilehurst</u> <u>HSA10 Stonehams Farm, Tilehurst</u> <u>HSA12 Bath Road, Calcot</u>

Local Plan Review Policy	Superseded West Berkshire District Local Plan 1991-2006 Policy	Superseded West Berkshire Core Strategy 2006-2025 Policy	Superseded Housing Site Allocations DPD 2006-2026 Policy
			<p><u>HSA16 The Hollies, Burghfield Common</u> <u>HSA17 Land to the north of the A4, Woolhampton</u> <u>HSA18 Salisbury Road, Hungerford</u> <u>HSA21 Land north of Pangbourne Hill, Pangbourne</u> <u>HSA22 Stretton Close, Bradfield Southend</u> <u>HSA26 Land east of Laylands Green, Kintbury</u></p>

Strategic priorities

Inspector:

Local planning authorities must identify the strategic priorities for the development and use of land in their area¹⁰.

PQ12. What are the Council's strategic priorities for the development and use of land in West Berkshire?

Council response:

The Council's strategic priorities for the development and use of land are set out in the Vision and Strategic Objectives contained within Chapter 3 of the Proposed Submission Local Plan Review 2022-2039 ([CD1](#)).

Para 1.26 of CD1 sets out the structure of the Local Plan Review (LPR) and as part of that makes clear that the LPR includes a vision, strategic objectives and a set of policies which together provide a policy framework for assessing planning applications and guiding development across West Berkshire.

As part of the LPR Scoping Report (Feb 2018) ([CD12](#)) a review was undertaken of the existing Core Strategy Strategic Objectives. Following a review of the consultation, published in the LPR Scoping Report Consultation Statement ([CD14](#)), these were then finalised and published as part of the LPR Regulation 18 consultation in November 2018 ([C15](#)).

The Strategic Objectives represent the key delivery outcomes that the LPR should achieve, against which its success will be measured. The Development Strategy sets out the overall approach for managing growth and change across the District over the plan period and outlines our place based approach. Strategic policies, fundamental to achieving the vision and strategic objectives, then set out the overarching principles for development.

¹⁰ Section 19(1B) of the 2004 Act.

Strategic policies

Inspector:

Plans must include, and explicitly identify, strategic policies to address the strategic priorities for the development and use of land in their area having regard to national policy and guidance relating to the purpose and nature of strategic and non-strategic policies¹¹.

The Plan contains 24 strategic policies. These vary in their purpose and nature, some relating to specific geographic areas and others to thematic issues.

Neighbourhood plans will be required to be in general conformity with the strategic policies in the Plan once it is adopted.

PQ13. Do each of the policies SP1 to SP24 meet the criteria for strategic policies set out in national policy and guidance?

Council response:

Yes, Paragraph 20 of the NPPF sets out that:

*'Strategic policies should set out an overall strategy for the pattern (**Policies SP1, SP3 and SP4**), scale [**Policies SP2 and SP12**] and design quality of places [**Policy SP7**], and make sufficient provision for:*

- a) housing (including affordable housing [**Policies SP13, SP14, SP15, SP16, SP17, SP18, SP19**], employment [**Policies SP20 and SP21**], retail, leisure and other commercial development [**Policy SP22**];*
- b) infrastructure for transport [**Policy SP23**], telecommunications, security, waste management, water supply, wastewater, flood risk...; [**Policy SP6**]*
- c) community facilities (such as health, education and cultural infrastructure) [**Policy SP24**]; and*
- d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure [**Policies SP8, SP9, SP10 and SP11**], and planning measures to address climate change mitigation and adaptation. [**Policy SP5**]'*

In accordance with paragraph 21 of the NPPF they are necessary to address the strategic priorities of West Berkshire (and any relevant cross boundary issues) and provide a clear starting point and framework for the non-strategic DM policies. They do not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.

¹¹ NPPF 17 to 23 and 28, and PPG ID-41-076-20190509.

Paragraph 1.26 of the Proposed Submission Local Plan Review 2022-2039 ([CD1](#)) makes clear that the strategic policies set out the overarching principles for development focusing on:

- *Our place based approach*
- *Our environment and surroundings*
- *Delivering housing*
- *Fostering economic growth and supporting local communities*

It also makes clear that the strategic policies are considered fundamental to achieving the Plan's Vision and Strategic Objectives.

In accordance with paragraph 22 of the NPPF they will look ahead over a minimum 15 year period from adoption and anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. The strategic site allocations at Sandford (Policy SP16) and North East Thatcham (Policy SP17) are set within the West Berkshire Strategic Vision 2050 ([SET3a](#)) that looks further ahead as required by the NPPF.

Although the Council believes that all of the policies meet the criteria for strategic policies, it acknowledges that there is unnecessary duplication within some of these. This is addressed in the Council's response to PQ14.

Inspector:

Strategic policies SP13 to SP15 list sites allocated for residential development in different parts of the District, and SP21 lists sites allocated for employment development. Chapter 8 of the Plan is entitled "Non-strategic site allocations", and contains policies for the sites listed in SP13 to SP15 and SP21 (other than the two strategic sites subject to policies SP16 and SP17).

**PQ14. (a) What is the purpose of policies SP13 to SP15 and SP21?
(b) Do those policies create ambiguity as to whether the allocations listed within them are subject to a strategic policy that a neighbourhood plan would need to be in general conformity with?**

Council response:

PQ14a) The purpose of the policies is to set out the level and location of development that will come forward within each spatial area to help meet the identified housing and employment land requirements.

PQ14b) Yes, upon reflection it is accepted that there is unnecessary duplication within these policies.

To overcome this, the Council would like to propose the following Main Modifications:

- *Policy SP12: inclusion of additional text to explain how the housing requirement will be met.*
- *Policy SP12: inclusion of additional text to set out the level of development that will need to be met through allocations in the Hungerford and Lambourn NDPs. Additional text also makes clear that the Council will address any shortfall if the NDPs are not adopted within two years of the adoption of the LPR.*
- *Supporting text to Policy SP12: inclusion of additional text to make clear that the allocations within the NDPs are in addition to allocations within neighbourhood plans.*
- *Table 2 within the supporting text to policy SP12: table revised to make clear the contribution from each source of supply.*
- *Policy SP20: inclusion of additional text to make clear that the site allocations, as well as promoting the supply of employment land, will contribute to the supply to meet the identified need.*
- *Policy SP20: inclusion of text to make clear that sites can also be allocated within subsequent NDP's, and to make clear that all DEA's are listed in Appendix 4.*
- *Supporting text to Policy SP20: amendments to remove reference to Policy SP21; inclusion of text in relation to NDP's; inclusion of text relating to DEA's and the Greenham Business Park LDO that was previously part of the Policy SP21 supporting text.*
- *Policies SP13 to 15 and SP21: deletion of policies and remove references to these policies throughout LPR.*
- *Supporting text within Chapter 8 (non-strategic site allocations: our place-based approach): inclusion of tables and additional text to show the allocations that will come forward within each spatial area to help meet the housing and employment land requirements.*

The proposed Main Modifications to Policy SP12, Policy SP20 and Chapter 8 are set out below. It should be noted that the response to PQ19 and PQ25 also proposes some Main Modifications and these are also included below:

Proposed modifications to policy SP12

Policy SP12

Approach to Housing Delivery

Provision will be made for ~~8,721 to 9,146~~ 9,747 to 10,222 net additional homes in West Berkshire for the period 1 April 2022 to 31 March ~~2039~~ 2041; 513 to 538 dwellings per annum. The target figure of 538 dwellings per annum does not constitute a ceiling or cap to development.

New homes will be located in accordance with Policy SP1: Spatial Strategy, Policy SP3: Settlement hierarchy and Policy DM1: Development in the Countryside.

There should be no net losses from the existing stock of homes in West Berkshire. Existing homes should be retained in residential use (or replaced at least in equal

numbers, normally on the proposed site), unless there is a reasoned justification in the form of a benefit to the wider community for a change of use. Developments should utilise opportunities to make better use of the existing housing stock.

To meet the housing requirement, the following sources will ensure a continuous supply of land for housing across the Plan period:

- Local Plan retained allocations;
- Local Plan allocations not being retained due to site being at an advanced stage of construction;
- Stratfield Mortimer Neighbourhood Development Plan (NDP) allocation;
- Existing planning commitments on unallocated sites;
- Existing planning commitments for G2 Use Class communal accommodation;
- Small site windfall allowance;
- New allocations within the LPR as set out in the non-strategic site allocations; and
- Sites to be allocated within neighbourhood plans as set out below.

Sites to be allocated in Neighbourhood Plans

The Council will supply a housing requirement figure to those qualifying bodies either preparing or updating a neighbourhood plan that intends to include residential allocations.

Any sites allocated through the neighbourhood planning process will be in addition to sites allocated within this LPR.

For those plans currently in preparation, it will be necessary to identify sites to meet the following levels of development:

- Hungerford: approx. 50 dwellings
- Lambourn: approx. 25 dwellings

Supporting Text

Housing need and the housing requirement

6.1. The NPPF states that...

6.9. In order to support the government's objective of significantly boosting the supply of homes, which is set out in the NPPF, Policy SP12 expresses the housing requirement as a range, with a minimum requirement of 513 dwellings per annum meeting the 2022 LHN. The upper end of the range allows for approximately 5% additional homes (rounded to 538) on top of the 2022 LHN. The upper end of the range is the target figure.

Meeting the housing requirement

Retained Local Plan and Stratfield Mortimer NDP allocations:

6.12. The plan period of the LPR (2022 – ~~2039~~ 2041) overlaps with the previous plan period (2006 – 2026) and account therefore needs to be taken of sites that have already been allocated in the adopted Core Strategy, the adopted HSA DPD and the adopted Stratfield Mortimer NDP.

6.14. The policies for the ~~Allocated sites that are retained~~ allocations are listed in ~~Policies SP13-15~~ included in Chapter 8.

Existing planning commitments on unallocated sites:

6.16. Existing permissions for housing on non-allocated sites will also contribute to supply. Over ~~1,958~~ 2,118 units on windfall sites, those not specifically identified in the development plan, already had permission or prior approval for permitted development at 31 March 2022.

Existing planning commitments for communal accommodation (Use Class C2):

6.18. At 31 March 2022, ~~There are~~ were existing permissions for residential institutions in Use Class C2 which equate to 57 units.

Windfall

6.20. The Council has assessed the contribution likely to be made from windfall sites based on past trends. It is clear that windfall sites have consistently played an important role in the housing supply of the District: approximately 74% of completions in the period 2006 - 2022 were on unallocated, windfall sites. The windfall allowance, of 140 dwellings per annum is, in comparison, relatively modest. It has been based on the average annual delivery on small sites of less than 10 units over the existing plan period 2006 – 2022. The calculated allowance set out in Table 2 takes account of existing small permissions that are already included in the supply by deducting these from the allowance of 140 dpa over the period 2022 to ~~2039~~ 2041....

Housing supply at March 2022

6.21. Part 1 of Table 2 shows the committed supply position at 31 March 2022. 31 March 2022 is the date when the annual monitoring of development progress takes place. As aforementioned, for the purposes of calculating the housing supply, if a site has planning permission, then the number of dwellings permitted, or already built, has been taken into account in the table.

Table 2: Housing supply ~~at March 2022~~

Supply category	Net outstanding units
1. Committed supply at 31 March 2022	
Local Plan retained allocations	
• Core Strategy: Sandford Park Strategic Site	1,580
• Housing Site Allocations DPD Sites	990
Subtotal	2,570
Neighbourhood Development Plan allocation	
• Stratfield Mortimer NDP Site	82
Subtotal	2,652
Local Plan allocations not being retained (due to site being at an advanced stage of construction)	
• Core Strategy: Newbury Racecourse	465
• HSA DPD Sites	256

Supply category	Net outstanding units
Subtotal	721
Existing planning commitments on unallocated sites	1,958 2,118
Existing planning commitments for C2 Use Class communal accommodation	57
Small site Wwindfall allowance to 2039 2041	1,949 2,229
Total committed supply	7,337 7,777
2. Future supply	
New allocations within the LPR	1,720
Sites to be allocated in Neighbourhood Development Plans	
• <u>Hungerford</u>	<u>55</u>
• <u>Lambourn</u>	<u>25</u>
Subtotal	80
Total future supply	1,800
Total housing supply	9,577

Future Supply

6.21. 6.22. In order to meet the target of 538 new dwellings per annum over the plan period, sites for a further 2,445 dwellings need to be found (requirement of 10,222 minus committed supply of 7,777). Part 2 of Table 2 shows that allocations will be identified to accommodate 80 dwellings within the NDPs for Hungerford and Lambourn. This leaves a remaining 2,365 dwellings to be identified through new allocations in the LPR.

6.23 There also needs to be some built in flexibility to allow for phasing issues and for an element of non-delivery. The expression of the requirement as a range and the use of a relatively modest windfall allowance both add to the flexibility required to ensure that targets can be met.

New sites allocated in the LPR

6.22. 6.24. The Council's overall approach to identifying land for allocation is set out in Policy SP1 and in Policy SP3. Assessment of the availability, suitability and viability of individual sites has taken place through the Housing and Economic Land Availability Assessment (HELAA) and further technical and sustainability assessments have been undertaken. Sites proposed for allocation are detailed in Policies ~~SP13–15~~ SP16 and SP17, as well as Policies RSA1 to RSA23, and these include provide additional housing supply on newly allocated sites of some 1,720 homes. This figure of 1,720 includes the strategic allocation at North East Thatcham for approximately 1,500 homes within the plan period.

Sites to be allocated in Neighbourhood Plans

6.23. 6.25. The NPPF requires that within the housing requirement for the whole area, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations.

6.26. Should any qualifying body decide to prepare a neighbourhood plan that includes residential allocations or update an adopted neighbourhood plan to include residential allocations, then the Council will supply a housing requirement figure. The

policy makes clear that allocations made through neighbourhood plans will be in addition to the homes being allocated within the LPR and the other sources of supply identified in the policy.

6.26. Any potential sites within defined settlement boundaries will not qualify towards the targets outlined in the policy. This is because there is a presumption in favour of development within settlement boundaries.

6.256.27. A number of neighbourhood plans are in preparation within the district. It is not compulsory for neighbourhood plans to include allocations, and only two which neighbourhood plans will allocate further sites for housing development. It is proposed that a further 80 dwellings will be allocated by local communities through their the neighbourhood plans for Hungerford and Lambourn. The figures for individual neighbourhood areas are set out in Policies SP13 – 15. The delivery of these neighbourhood plans will be monitored by the Council to ensure the housing requirement is met. The Council reserves the right to identify opportunities to address any shortfall if the Hungerford and Lambourn neighbourhood plans are not adopted within two years of the adoption of the LPR.

Proposed modifications to Policy SP20

Policy SP20 Strategic approach to employment land

Through the LPR the Council will seek to facilitate the growth and forecasted change of business development over the plan period through site allocations and by promoting the supply of office and industrial space across the District to the meet the identified shortfall.

Appropriate proposals for business development (offices, industrial and storage and distribution) will be supported where they are located:

- a) On sites allocated for business development ~~as set out Policy SP21 and~~ in accordance with the individual site specific policy (ESA1 – ESA6) in this Plan or any subsequent neighbourhood plans; or
- b) On a suitable site within a settlement boundary; or
- c) Within a Designated Employment Area (DEA) in accordance with Policy DM32, and as listed in Appendix 4 and as defined on the Policies Map; or
- d) On previously developed land within existing suitably located employment sites; or
- e) Within the countryside provided the proposal is in accordance with other relevant policies within the Plan, in particular Policy DM35.

Proposals for

Supporting text

....

7.9 ~~Policy SP24~~ Chapter 8 sets out a number of site allocations for industrial land,

.....

New para 7.10 Any sites allocated through the neighbourhood planning process will be in addition to those sites allocated within this Plan and/or existing planning commitments within the neighbourhood planning area.

7.10 7.11 The ELR is clear that the industrial requirement....

7.14 As a result the ELR recommends safeguarding existing employment sites. West Berkshire has a number of designated employment areas (DEA) which are specific locations across the District designated for business uses/development providing a range of sites and locations to promote sustainable economic growth. Those areas known as Protected Employment Areas (PEAs) are renamed Designated Employment Areas (DEAs) through this LPR. All DEAs are listed in Appendix 4 and defined on the Policies Map. The District's DEAs contribute significantly to the supply of employment land and provide opportunities for regeneration and intensification and therefore Policy DM32 seeks to safeguard these areas to protect and strengthen their function and integrity.

7.15 The Council will support appropriate proposals for offices.....

New para 7.16 Greenham Business Park has a Local Development Order in place across the site. This sets our development parameters by which certain schemes can proceed without planning permission. Proposals which are outside of the scope of the Local Development Order and require planning permission shall be determined in accordance with the relevant LPR policies.

7.16 7.17 The District has a vast rural area.....

Proposed modification to Chapter 8

Chapter 8 Non strategic site allocations: our place based approach

8.1. This section contains policies for the non-strategic site allocations (residential, mixed use and employment). A significant number of the residential sites are already allocated, carried over from the HSADPD. Not all the HSADPD sites have been included; those where development has been completed or is close to completion have been excluded as there is no need for an allocation in the LPR.

8.2. For each policy, the site allocation is identified on the indicative site map. The area shown on the map is the gross site area. The approximate number of dwellings for each site have been calculated using the West Berkshire Density Pattern Book Study (2019), unless the site promoter has suggested a development potential that is lower. The actual numbers achieved on any site may vary slightly depending on the detailed design work carried out in preparation for a planning application and will be influenced by the topography and other specific site characteristics. Final densities will depend on the housing type and mix. Approximate numbers are therefore given in the site policies to enable some flexibility at the more detailed design stage.

Sites allocated for residential development: Newbury and Thatcham

8.3. the main focus for growth in West Berkshire is the Newbury and Thatcham area, where two strategic urban extensions are proposed; the first, the existing Core Strategy allocation at Sandford Park, south of Newbury, which is carried forward with a redefined policy boundary where approximately 1,500 homes could be developed; and the second, another greenfield site, to the north east of Thatcham for approximately 1,500 homes. These two sites are allocated under Policies SP16 and SP17, with the remainder of the growth in the Newbury and Thatcham area comes through smaller site allocations set out below.

8.4 There is significant potential on previously developed land within settlement boundaries, particularly in Newbury town centre and periphery. Sites within settlement boundaries are not being allocated. This is because 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.

<u>Policy</u>	<u>Allocation</u>	<u>Approximate numbers</u>
<u>RSA1</u>	<u>Land north of Newbury College, Monks Lane, Newbury (Site ref HSA 1)</u>	<u>15 dwellings</u>
<u>RSA2</u>	<u>Land at Bath Road, Speen</u>	<u>100 dwellings</u>
<u>RSA3</u>	<u>Land at Coley Farm, Stoney Lane, Newbury (Site Ref: HSA 3)</u>	<u>75 dwellings</u>
<u>RSA4</u>	<u>Land off Greenham Road, South East Newbury (Site Refs: HSA 4)</u>	<u>160 dwellings</u>
<u>RSA5</u>	<u>Land at Lower Way, Thatcham (Site Ref: THA025)</u>	<u>85 dwellings</u>
<u>RSA25</u>	<u>Long Copse Farm, Enborne</u>	<u>24 plots</u>

Policy RSA1

Sites allocated for residential development: Eastern Area

8.5. In the Eastern Area the significant constraints to development mean provision for new development is more limited. Constraints include the Detailed Emergency Planning Zone (DEPZ) of Atomic Weapons Establishment (AWE) Aldermaston and AWE Burghfield. The DEPZ was defined following changes to legislation in 2019 (Radiation (Emergency Planning Preparedness and Public Information) Regulations 2019) which resulted in the redetermination of the emergency planning arrangements around AWE Aldermaston and AWE Burghfield in 2020. Given the constraints in this spatial area the LPR does not propose any strategic allocations, but non-strategic allocations are proposed on the edge of existing settlements as set out below.

8.6. Land adjacent to New Stocks Farm (Policy RSA24), which is located within the DEPZ of AWE Aldermaston, is already in use for Gypsy and Traveller accommodation (transit site). The allocation of the site for eight permanent pitches was not considered to have an impact upon the emergency plan.

8.7. Land adjoining Pondhouse Farm, Burghfield (Policy RSA12), which is located within the DEPZ of AWE Burghfield, was granted outline planning permission in

December 2019. When the DEPZ was reconsidered in 2020, the 100 units proposed were included in the detailed calculations undertaken by Emergency Planning.

8.8. If in the future the DEPZ is reviewed and the emergency planning arrangements be amended, then future reviews of the Local Plan will consider whether further allocations in this area would be suitable.

<u>Policy</u>	<u>Allocation</u>	<u>Approximate numbers</u>
<u>RSA6</u>	<u>Stoneham's Farm, Long Lane, Tilehurst (Site Ref: HSA 9)</u>	<u>65 bedspace care home</u>
<u>RSA7</u>	<u>72 Purley Rise, Purley on Thames (Site Ref HSA 11)</u>	<u>35 dwellings</u>
<u>RSA8</u>	<u>Land adjacent to Bath Road and Dorking Way, Calcot (Site Ref HSA 13)</u>	<u>35 dwellings</u>
<u>RSA9</u>	<u>Land between A340 and The Green, Theale (Site Ref: HSA 14)</u>	<u>100 dwellings</u>
<u>RSA10</u>	<u>Whitehart Meadow, Theale (Site Ref THE1)</u>	<u>40 dwellings</u>
<u>RSA11</u>	<u>Former Theale Sewage Treatment Works, Theale (Site Ref THE7)</u>	<u>60 dwellings</u>
<u>RSA12</u>	<u>Land adjoining Pondhouse Farm, Clayhill Road, Burghfield Common (Site Ref: HSA15)</u>	<u>100 dwellings</u>
<u>RSA13</u>	<u>Land north of A4 Bath Road, Woolhampton (Site Ref MID4)</u>	<u>16 dwellings</u>
<u>RSA24</u>	<u>New Stocks Farm, Paices Hill, Aldermaston</u>	<u>8 pitches</u>

Policy RSA6.....

Sites allocated for residential development: North Wessex Downs AONB

8.9. The special characteristics of the North Wessex Downs AONB mean that development will be modest, helping to meet local needs, support the rural economy and sustain local facilities in accordance with Policy SP2.

<u>Policy</u>	<u>Allocation</u>	<u>Appeoximate numbers</u>
<u>RSA14</u>	<u>Land adjoining Lynch Lane, Lambourn (Site Ref: HSA 19)</u>	<u>Approximately 60 dwellings</u>
<u>RSA15</u>	<u>Land at Newbury Road, Lambourn (Site Ref: HSA 20)</u>	<u>Approximately 5 dwellings</u>
<u>RSA16</u>	<u>Land North of Southend Road, Bradfield Southend (Site Ref: BRAD5)</u>	<u>Approximately 20 dwellings</u>
<u>RSA17</u>	<u>Land at Chieveley Glebe, Chieveley (Site Ref: CHI23)</u>	<u>Approximately 15 dwellings</u>
<u>RSA18</u>	<u>Pirbright Institute Site, High Street, Compton (Site Ref: HSA 22)</u>	<u>Approximately 140 dwellings</u>
<u>RSA19</u>	<u>Land west of Spring Meadows, Great Shefford (Site Ref: GS1)</u>	<u>Approximately 15 dwellings</u>
<u>RSA20</u>	<u>Land off Charlotte Close, Hermitage (Site Ref: HSA 24)</u>	<u>Approximately 15 dwellings</u>

<u>Policy</u>	<u>Allocation</u>	<u>Approximate numbers</u>
<u>RSA21</u>	<u>Land to the south east of the Old Farmhouse, Hermitage (Site Ref HSA 25)</u>	<u>Approximately 10 dwellings</u>
<u>RSA22</u>	<u>Land adjacent Station Road, Hermitage</u>	<u>Approximately 34 dwellings</u>
<u>RSA23</u>	<u>Land adjoining The Haven, Kintbury (Site Ref: KIN6)</u>	<u>Approximately 20 dwellings</u>

Policy RSA14....

Sites allocated for employment land

8.10 Policies for the employment site allocations are set out below. The following sites will be allocated to facilitate the growth and forecasted change in industrial land over the plan period to 2039:

Table X:

<u>Policy Ref:</u>	<u>Site Name:</u>	<u>Approximate floorspace (sqm)</u>	<u>Use</u>
<u>ESA1</u>	<u>Land east of Colthrop Industrial Estate, Thatcham</u>	<u>20,400</u>	<u>B2/B8</u>
<u>ESA2</u>	<u>Land west of Ramsbury Road, Membury Industrial Estate</u>	<u>10,381</u>	<u>B2/B8</u>
<u>ESA3</u>	<u>Land to the south of Trinity Grain, Membury Industrial Estate, Lambourn Woodlands</u>	<u>5,200</u>	<u>Egiii/B2</u>
<u>ESA4</u>	<u>Beenham Landfill, Pips Way, Beenham</u>	<u>14,000</u>	<u>B2/B8</u>
<u>ESA5</u>	<u>Northway Porsche, Grange Lane, Beenham</u>	<u>6,400</u>	<u>Egiii/B2</u>
<u>ESA6</u>	<u>Land adjacent to Padworth IWMF, Padworth Lane</u>	<u>12,400</u>	<u>B2/B8</u>

811 The Council will seek to ensure that sufficient sites are provided in the right locations to foster sustainable economic growth. The allocated sites are focused around or near to areas of existing employment activity, and mainly adjacent to defined Designated Employment Areas. Those sites allocated on land adjacent to a DEA, will, through this LPR, now form part of that DEA.

Thatcham

8.12 Thatcham's main industrial area is Colthrop Estate, comprising a mix of larger distribution units and smaller workshops, and is described in the ELR as 'the District's premier logistics and distribution park'. There are some vacancies in the office stock, and a very high occupancy in the industrial and warehousing stock. The allocated site to the east of the Colthrop Estate (ESA1) is a logical extension and would aid in meeting the identified need in the Urban Area of Thatcham.

Membury Industrial Estate

8.13 The ELR outlines that to support the creation of local job opportunities in the more western rural areas, DEA boundaries could be extended at Membury Industrial Estate. Membury has seen a number of redevelopments and expansions, including outline planning permission granted for industrial use on one of the two proposed allocated sites (ESA2). The allocated sites at Membury (ESA2 and ESA3) and extending the DEA boundary will aid in addressing a local and rural demand.

Beenham

8.14 Beenham Grange Industrial Area is largely occupied by industrial operators, with a mix of locally based companies and larger companies servicing the area. At the time of the ELR there were no available industrial units, reflecting the nature of the industrial market in this location. The sites allocated in this area (ESA4, ESA5 and ESA6) would aid in meeting the identified need towards the east of the District. The site at Northway Porsche would encourage light industrial units, compatible with surrounding uses. The site at Padworth sidings, whilst it is not directly adjacent to a DEA, it would make use of brownfield land and is adjacent to the Padworth Household Waste Recycling Centre.

8.15 For each site policy (ESA1-ESA6), the site allocation is identified on the indicative site map. The area shown on the map is the gross site area. The policies provide approximate floor space for development, based on standard plot ratios as set out within the HELAA, unless the site promoter has suggested a development potential that is lower than that calculated. The actual floorspace achieved may vary slightly depending on the detailed design work carried out in preparation for a planning application and will be influenced by the topography and other specific site characteristics.

Policy ESA1

Neighbourhood plans

Inspector:

Paragraph 1.14 in the Plan refers to two made neighbourhood plans: Stratfield Mortimer (2017) and Compton (2022). Policies SP13 to SP15 refer to seven other designated neighbourhood areas: Cold Ash; Newbury; Burghfield; Tilehurst; Hermitage; Hungerford and Lambourn.

PQ15. (a) What is the expected timetable for the preparation of neighbourhood plans in each of the designated neighbourhood areas in the District? (b) Please provide a map of the District indicating the locations of each of the designated neighbourhood areas.

Council response:

PQ15a) As at September 2023, the expected timetables are as follows:

Neighbourhood Area	Progress at September 2023
<i>Burghfield</i>	<i>The Neighbourhood Development Plan (NDP) Steering Group have advised that the draft plan has been submitted to Burghfield Parish Council so that they can run the Regulation 14 pre-submission consultation. The dates of the consultation are still to be determined. Submission of plan to West Berkshire District Council (WBDC) could take place at the end of 2023, with examination early 2024.</i>
<i>Cold Ash</i>	<i>The plan was submitted to WBDC on 20 June 2023, and the consultation on the submitted NDP (Regulation 16) has taken place between 21 July and 1 September 2023. At a meeting of Council on 5 October 2023, Members will be asked to agree that the NDP can proceed to independent examination.</i>
<i>Compton</i>	<i>The plan was adopted in February 2022. Compton Parish Council currently have no plans to review and update the plan.</i>
<i>Hermitage</i>	<i>The plan was submitted to WBDC on 17 February 2023, and there was a delay in the progression of the plan due to the election purdah period and resourcing issues within the Planning Policy Team. The consultation on the submitted NDP (Regulation 16) has taken place between 21 July and 1 September 2023. At a meeting of Council on 5 October 2023, members will be asked to agree that the NDP can proceed to independent examination.</i>
<i>Hungerford</i>	<i>Site selection work is currently underway. The steering group may request a Strategic Environmental assessment (SEA) / Habitat Regulation Assessment (HRA) screening in the next 6 months. The intention of the steering group has been to finalise the draft plan after the adoption of the Local Plan Review, ie. after September 2024.</i>
<i>Lambourn</i>	<i>The SEA/HRA screening opinion has been prepared which concludes that both a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) will be required due to the potential</i>

Neighbourhood Area	Progress at September 2023
	<i>impact that residential allocations could have on the River Lambourn Special Area of Conservation and other environmental designations. The steering group are currently working on the evidence base and policy writing. Potential for the Regulation 14 pre-submission consultation towards the end of 2023, with submission and examination in 2024.</i>
<i>Stratfield Mortimer</i>	<i>The plan was adopted in June 2017, and a single issue update of the plan is in progress which is proposing to modify the uses on the land that was originally set aside for an infant school and GP surgery as part of the allocation for 110 dwellings. Outdoor sport and play for the school is now proposed, alongside a dentist with the remainder of the land being kept reserved for a possible future GP surgery. The steering group are of the view that the update is a material modification that would not change the nature of the plan. Such updates require a Reg 14 pre-submission consultation, Reg 16 publication consultation, and examination. Referendum is only needed if the examiner decides that the modifications change the nature of the plan. Submission likely later in 2023 with examination in 2024.</i>
<i>Tilehurst</i>	<i>The Regulation 14 pre-submission consultation took place between September and October 2022, and WBDC raised concerns that some policies did not meet the Basic Conditions. The steering group have subsequently reviewed and updated the NDP. Officers informally reviewed the revised plan in summer 2023 and had only minor comments to make. Submission likely later in 2023, with examination in 2024.</i>

PQ15b) A map is attached in Annex 1

Inspector:

National policy requires strategic policies to set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations¹².

Policies SP13 to SP15 includes a zero requirement figure for all of the designated neighbourhood areas currently without a made neighbourhood plan other than Hungerford and Lambourn which have figures of 55 and 25 respectively.

PQ16. Please clarify how the housing requirement figure for each of the designated neighbourhood areas reflects the overall strategy for the pattern and scale of development and any relevant allocations.

Council response:

¹² NPPF 66

The housing requirement for each of the designated Neighbourhood Areas has been based on the available development opportunities identified within the 2020 Housing and Economic Land Availability Assessment (HELAA). Consideration was also given to the placing of settlements within the settlement hierarchy. The table in Annex 2 provides further explanation of how the housing requirement was identified for each designated Neighbourhood Area.

Key Diagram

Inspector:

National policy expects local plans to indicate broad locations for development on a key diagram¹³.

PQ17. Does the Plan include a key diagram? If not, what is the justification?

Council response:

The Plan does not include a key diagram, and therefore the Council proposes that one is included via a modification to the Plan. See Annex 3.

¹³ NPPF 23.

References to guidance and other documents

Inspector:

Various policies in the Plan refer to guidance and other documents that do not form part of the statutory development plan. The way such documents are referred to varies. For example, policy DM44 requires cycle and motorcycle parking to “be provided in accordance with” a Council document; a document relating to Electric Vehicle Charging Points to be “taken into account”; and the design and layout of parking spaces to “follow” the Council’s highways design guide. Whilst such documents may be material planning considerations, it is unlikely that a policy in the Plan requiring development to “comply with” or “be in accordance with” such documents could be justified. A more appropriate phrase may be for development to “have regard to” such documents.

PQ18. Please identify all the references in Plan policies to documents that do not form part of the statutory development plan. Where necessary, potential modifications to the policy wording should be drafted to ensure that the policy is justified in terms of the weight it requires decision makers to give to such documents.

Council response:

The evidence base has been used to inform the policies. Guidance and other documents have been listed to signpost the users of each policy to such guidance and documents, which are important in informing developments and in decision making. Members of the Council feel strongly about the requirement for applicants to follow the requirements and guidance set out in the guidance and documents noted. As the Inspector has set out these are material considerations. When considering planning applications the policy is the starting point, and officers and consultees will assess the requirements of that policy on a case-by-case basis. There is much concern that changing the phrase to ‘have regard to’ could downgrade the importance of meeting the guidance. Applicants could inform the Council they have looked at the guidance, and therefore have complied with policy, without actioning what is required in those documents.

Strategic Policies

SP7 Design Quality – ‘Development proposals will be expected to show how they have responded positively to both national and local design guidance. At a national level this includes the characteristics of a well-designed place as set out in the National Design Guide (2021)’. The policy does not require compliance but a demonstration that such national guidance has been considered in drawing up the development. No modification is therefore considered necessary.

SP8 Landscape character – ‘Development should be demonstrably informed by and respond positively to the evaluation of the distinctive character areas set out in the

West Berkshire Landscape Character Assessments (2019) ([LAN1 - 8](#)) and other relevant landscape character assessments'. Landscape Character Assessments are an important part of the evidence base, and this technical work has been used to inform the policy. Therefore, proposed development does need to be informed by such evidence, and they also help the interested parties in understanding the landscape and its context. No modification is therefore considered necessary.

SP9 Historic Environment – In the context of enabling development criterion iv) states 'it meets the tests and criteria set out in Historic England guidance GPA4: Enabling Development and Heritage Assets'. As outlined in the response to question 49 it is proposed to delete reference to enabling development in the policy.

SP9 Historic Environment – Last paragraph states 'Proposals for development will be informed by and respond to: m) the West Berkshire Historic Environment Record; o) the Newbury Historic Character Study and Conservation Area Appraisals; and p) the West Berkshire Historic Action Plan (HEAP)'. The wording is equivalent to 'have regard to', as the documents referenced above are useful documents for interested parties to understand the historical context of the site. No modification is therefore considered necessary.

SP17 North-East Thatcham. The policy states that the Thatcham Strategic Growth Study ([SIT2a](#), [SIT2b](#), [SIT2c](#)) provides guiding principles for the delivery of the site, and therefore the proposals will demonstrate that the guiding principles have been positively responded to'. It is proposed to change this to: 'The Thatcham Strategic Growth Study provides guiding principles for the delivery of the site ~~therefore the proposals will demonstrate that the guiding principles have been positively responded to~~'. The development shall therefore have regard to this Study and demonstrate how such principles have guided development in a positive manner'.

SP17 North East Thatcham. The policy requires a Landscape and Visual Impact Assessment (LVIA), 'which will be informed by the Landscape Sensitivity Assessment 2021 ([LAN7e](#)) undertaken for the site'. It is considered that this instruction is appropriate as the landscape assessment, as an important piece of evidence specifically for North East Thatcham, is a useful tool to guide the LVIA, and establishes certain areas which the LVIA can focus on.

SP23 Transport – the first bullet point outlines that development will be required to 'minimise the impact of all forms of travel on the environment, in accordance with West Berkshire's declared Climate Emergency and Environment Strategy' ([VO3](#)). It is not considered that the policy requires compliance with the Council's Climate Emergency and Environment Strategy, only that such developments minimise all forms of travel, which is in accordance with the aims of the Climate Emergency and Environment Strategy. No modification is therefore required.

SP23 Transport – In the fourth paragraph it states 'Development proposals should follow the advice set out in the Council's 'Highway Design Guidance for Residential Developments'. It is considered that this does not require modification as it does not require compliance, but that development should follow the advice (officer emphasis).

Site Allocation Policies

Landscape Capacity Assessments reference

The following site allocation policies require development to be in accordance with Landscape Capacity Assessments or Landscape Sensitivity Capacity Assessments ([LAN1 - 8](#)), each related to the particular site:

- *RSA2 Land at Bath Road, Speen, Newbury (Site ref HSA2)*
- *RSA6 Stoneham's Farm, Long Lane, Tilehurst (Site ref HSA9)*
- *RSA7 72 Purley Rise, Purley on Thames (Site ref HSA11)*
- *RSA9 Land between A340 and The Green Theale (Site ref HSA14)*
- *RSA10 Whitehart Meadow Theale (Site ref THE1)*
- *RSA11 Former Theale Sewage Treatment Works Theale (Site ref THE7)*
- *RSA14 Land adjoining Lynch Lane Lambourn (Site ref HSA19)*
- *RSA15 Land at Newbury Road, Lambourn (Site ref HSA20)*
- *RSA19 Land west of Spring Meadows, Great Shefford (Site ref GS1)*
- *RSA20 Land off Charlotte Close Hermitage (Site ref HSA24)*
- *RSA21 Land to the south east of the Old Farmhouse, Hermitage (Site ref HSA25)*
- *RSA22 Land adjacent to Station Road, Hermitage*
- *RSA23 Land adjoining The Haven, Kintbury (Site re KIN6)*
- *ESA2 Land west of Ramsbury Road, Membury Industrial Estate, Lambourn Woodlands (Site ref LAM6)*
- *ESA3 Land to the south of Trinity Grain, Membury Industrial Estate, Lambourn Woodlands (Site ref LAM10)*
- *ESA4 Beenham Landfill, Pips Way, Beenham (Site ref part of BEEN3 and part of BEEN5)*
- *ESA5 Northway Porsche, Grange Lane, Beenham (Site re BEEN10)*

As the Landscape Sensitivity and Capacity Assessments are evidenced documents specifically for the sites mentioned above it is considered necessary for development to follow the recommendations of each LCA, in the interests of conserving and enhancing the character and appearance of the locality. No modifications are necessary.

Living Landscape

RSA4 Land off Greenham Road, South East Newbury (Site ref HSA4) and RSA5 Land at Lower Way Thatcham (Site ref THA025)

Criterion h) RSA4 and criterion f) RSA5 requires the schemes to 'support and make a positive contribution to the West Berkshire Living Landscape project'. The Living Landscape Project ([BIO7](#)) includes nature reserves including Thatcham Reedbeds, Audrey's Meadow, Bowdown Woods and The Nature Discovery Centre, which are in close proximity to the two sites. The criterion is necessary to ensure biodiversity enhancements of these important habitats in existing Biodiversity Opportunity Areas, some of which are SSSIs. No modifications are necessary.

Other references

RSA10 and RSA11 (Theale Whitehart Meadow and Former Sewage Treatment Works)

Criterion bi) on both policies requires the siting of developments to be in accordance with National Grid's publications 'A Sense of Place' (SD8) and 'Development near overhead power lines' (SD9). This is essential to ensure that National Grid's assets are protected, and the future residents' amenity is protected from the overhead power lines. This follows on from the consultation responses and further clarification sought from National Grid in relation to the protection of their assets. No modifications are necessary.

Development Management Policies

DM3 Health and Wellbeing – the second paragraph within the policy outlines that an application for major development should be accompanied by a Health Impact Assessment to be in accordance with current guidance from Public Health England. The policy does not require that the development is in accordance with the Public Health England guidance, but that the Health Impact Assessment (HIA) is. HIAs add value to the planning application, and therefore should be informed by the most up to date guidance. Being in accordance with the guidance seeks to ensure consistency in detail expected from applicants. No modification is proposed.

DM5 Environmental Nuisance and Pollution Control – Criterion f outlines that 'A Lighting appraisal in accordance with the current guidance from the Institute of Lighting Professionals ...'

The policy does not require that the development is in accordance with the current guidance from the ILP, but that the lighting appraisal be in accordance with the guidance. Being in accordance with the guidance seeks to ensure consistency in detail expected from applicants. No modification is proposed.

DM30 Residential Space Standards. All dwellings should comply with the nationally described space standards as set out in the Technical Housing Standards (2015). The policy has been amended and the extent of wording has been reduced since the policy presented at Regulation 18, and has flexibility, as dwellings should comply with the Technical Housing Standards, rather than must comply. The supporting text outlines that in limited circumstances the Council may accept proposals which do not comply with the policy.

DM37 Equestrian and Horseracing Industry. The first paragraph after the listed criteria states that 'in all cases, proposals will be expected to demonstrate the adequate provision of land to allow for the proper care of horses, including stabling, grazing and exercise, in accordance with Equine Industry Welfare Guidelines and the British Horse Society standards'.

The care of horses is a key consideration, and this is the reason the policy requires planning applications to demonstrate that there is adequate provision of land, in accordance with the current guidelines and standards. No modification is proposed.

DM42 Transport Infrastructure. The transport infrastructure will specifically, but not exclusively, include the following: criterion b) Walking, cycling and equestrian infrastructure identified in relevant Local Cycling and Walking Infrastructure Plans.

Criterion b) directs the reader to relevant Plans, so they ensure the walking, cycling and equestrian infrastructure ties up with what is planned. The policy directs the provider of such infrastructure where to find the necessary information, not requiring the applicant to be in accordance with such Plans. No modification is proposed.

DM44 Parking. 2nd paragraph – ‘Cycling and motorcycle parking should be provided in accordance with the Council’s ‘Cycling and Motorcycling Advice and Standards for New Development’ (SD7). The policy requires that development should be in accordance with the Council’s document (officer emphasis). As the document sets out what is expected to be delivered on site it is important that applicants follow the requirements of the document. This also aids in securing consistency in submission of planning applications and in assessment of planning applications.

DM 44 Parking 3rd paragraph (for electric charging points) – ‘Details of how these charging points should be delivered and where there are opportunities to go beyond the minimum standards are set out in the Council’s guidance ‘Electric Vehicle Charging Points for new development. This must be taken into account when planning new development’.

As the Council has declared a climate emergency and has developed a strategy for achieving zero carbon, going beyond the standards set out in the Building Regulations is a method of aiding in delivering the aims of the strategy. Applicants are therefore asked to take account of the Council’s document on electric vehicle charging points (reference to the document in the examination library will follow).

DM 44 Parking 5th paragraph (residential parking) – ‘The layout and design of parking spaces should follow the parking design guidance included within the Council’s ‘Highway Design Guidance for Residential Development’.

The policy requires that development should be in accordance with the Council’s document (officer emphasis). As the document sets out what is expected to be delivered on site it is important that applicants follow the requirements of the document (reference to the document in the examination library will follow). This also aids in securing consistency in submission of planning applications and in assessment of planning applications.

Plan period

Inspector:

The Local Development Scheme¹⁴ indicates that the Plan is expected to be adopted in September 2024. This means that strategic policies to 2039 would not be consistent with national planning policy which expects them to look ahead over a minimum 15 year period from adoption¹⁵.

PQ19. What is the justification for the strategic policies in the Plan not looking ahead a minimum 15 year period from adoption as expected by national policy?

Council response:

In accordance with the Local Development Scheme (LDS, 2023) (CD9), the LPR is due to be adopted in September 2024 with an end date of 2039. However, the Council acknowledge the need for the Plan to cover full financial years post adoption, which coincide with the planning monitoring year. An adoption date of September 2024 would fall within monitoring years 2024/25 and as such an additional year would need to be added to the plan period to ensure a full 15 years from adoption in accordance with the NPPF.

However, the Council is mindful that as a result of the agreed extension to the deadline for responding to the Preliminary Questions, the hearing sessions are now unlikely to start until 2024. This could therefore result in the LPR not being adopted until 2025/26 and in which case a further year may need to be added to the plan period bringing this to 2040/41.

The Council therefore proposes Main Modifications to the plan period to extend this by two additional years to 2041 to add resilience to the process. It is proposed these changes are made throughout the LPR document as appropriate where reference is made to the plan period ending in 2039.

This in turn will require a further Main Modification to the housing requirement in Policy SP12, as set out below, and to any reference to the housing requirement figure throughout the LPR document as appropriate.

Policy SP12 Approach to Housing Delivery

Provision will be made for ~~8,721 to 9,146~~ 9,747 to 10,222 net additional homes in West Berkshire for the period 1 April 2022 to 31 March ~~2039~~2041; 513 to 538 dwellings per annum. The target figure of 538 dwellings per annum does not constitute a ceiling or cap to development.

¹⁴ CD9.

¹⁵ NPPF 22.

PQ20. If I were to conclude that the Plan needs to be modified to look ahead over a minimum 15 year period from adoption, which policies would need to be modified and in what way?

Council response:

The table below sets out the policies that would need to be modified with a comment on the required modification. Potential consequential evidence base updates may be required to inform any updates to the below policies.

Policy	Reason
<i>SP12 approach to Housing Delivery</i>	<i>Housing provision will need to be updated to take account of additional years added to the plan period, along with consequential updates to text</i>
<i>SP13 Sites allocated in Newbury and Thatcham</i>	<i>Policy proposed for deletion as per response to PQ14b.</i>
<i>SP14 Sites allocated in Eastern Area</i>	<i>Policy proposed for deletion as per response to PQ14b.</i>
<i>SP15 Sites allocated in North Wessex Downs AONB</i>	<i>Policy proposed for deletion as per response to PQ14b.</i>
<i>SP18 Housing type and mix</i>	<i>Potential consequential updates to the supporting text may be required to take into account the additional years added to the plan period.</i>
<i>SP19 Affordable Housing</i>	<i>Potential consequential updates to the supporting text may be required to take into account the additional years added to the plan period.</i>
<i>SP20 Strategic Approach to employment land</i>	<i>Employment land provision will need to be updated to take account of additional years added to the plan period, along with consequential updates to text.</i>
<i>SP21 Sites allocated for Employment Land</i>	<i>Policy proposed for deletion as per response to PQ14b.</i>
<i>SP22 Town and District Centres</i>	<i>Provision will need to be updated to take account of additional years added to the plan period, along with consequential updates to text.</i>
<i>DM19 Specialised Housing</i>	<i>Provision will need to be updated to take account of additional years added to the plan period, along with consequential updates to text.</i>
<i>DM20 Gypsies, Travellers and Travelling Showpeople</i>	<i>Provision will need to be updated to take account of additional years added to the plan period, along with consequential updates to text.</i>

Reasonable alternatives

Inspector:

Local planning authorities are required to consider “reasonable alternatives” during the preparation of local plans¹⁶. These should take account of the objectives and geographical scope of the plan¹⁷.

PQ21. What were the reasonable alternatives considered during the preparation of the Plan in terms of:

- (a) The amount of housing, economic, and other development to be accommodated.**
- (b) The spatial strategy for accommodating that development, including the settlement hierarchy and the approach to allocating land in the vicinity of the Atomic Weapons Establishments.**
- (c) The sites allocated in the Plan.**
- (d) The strategic and non-strategic development management policies in the Plan.**

Council response:

PQ21 a) As part of the plan preparation the following reasonable alternatives were considered for:

Amount of housing development to be accommodated:

Options to assess alternative levels of growth were considered as part of the SA/SEA report published for the Regulation 18 consultation on the Emerging Draft Local Plan Review in December 2020 ([CD17a](#)). At this stage in the plan preparation, the SA/SEA assessed three options as part of SP12:

- 1. Baseline need – 2020 LHN (513dpa)*
- 2. Boosting supply – range of between 520 dpa (the 2019 LHN) and 575dpa (10% uplift)*
- 3. Significantly boosting supply – 692dpa (derived using the revised algorithm proposed in MHCLG consultation on proposed changes to the planning system).*

The above options set out the different levels of housing growth but the eventual impacts will also depend on the location and design of development. The preferred option taken forward into the Regulation 18 Plan was option 2, for a level of growth that exceeded the LHN at the time (2019 LHN using the government’s standard methodology) and would boost housing supply.

¹⁶ NPPF 35b and The Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations).

¹⁷ SEA Regulation 12(2).

Further to this the SA/SEA Report published (November 2022) for the Regulation 19 Proposed Submission LPR ([CD3a](#)) goes further and considers the following options at Section 5.3.1 Table 25:

- a. Continuing with the Core Strategy figure (525dph)
- b. Local Housing Need figure (LHN) (2022 LHN 513 dpa)
- c. LHN plus buffer (513dph + a buffer to be determined)
- d. Significantly boosting supply (692dph using proposed method in government consultation 2020)

Table 26 of [CD3a](#) goes on to consider the baseline LHN along with the baseline plus a buffer of either 5% or 10%.

- i) Baseline LHN (2022 LHN 513dpa)
- ii) Boosting supply (513dpa + 10% = 564dpa)
- iii) Boosting supply (513dpa + 5% = 538dpa)

Economic and other development to be accommodated:

The amount of development to be accommodated for these types of development (economic and other) have been taken forward from the LPR evidence base and no reasonable alternatives were considered.

PQ21 b) As part of the plan preparation the following reasonable alternatives were considered for:

The spatial strategy for accommodating development:

The SA/SEA report published for the Regulation 18 consultation on the Emerging Draft Local Plan Review in December 2020 ([CD17a](#)) initially assessed two options as part of SP1 Spatial Strategy:

1. SP1 (i) revised policy
2. SP1 (ii) continue with current distribution of development (ADPP1 – ADPP6 of Core Strategy)

The revised policy essentially continues the strategy set out in the Core Strategy with a focus on the existing settlement pattern and emphasis on the place-based approach of considering development in the different spatial areas of the District, but with an increased focus for development in the Newbury and Thatcham area. The revised policy, with the former Eastern Area and East Kennet Valley combined into a new Eastern Area, also provides more flexibility in spatial planning terms as the former, significantly smaller and constrained Eastern Area would become more difficult to plan for as a separate area.

The revised spatial strategy needs to set out the approach for the next 15 years from plan adoption and the most fundamental proposal was to focus a higher proportion of development within the Newbury and Thatcham area. Other spatial areas are more constrained and have more limited potential for development on brownfield land or for significant greenfield urban extensions. Thatcham was previously allocated only modest development in the Core Strategy and Housing Site Allocations DPD but it this option proposed that the town becomes the focus for significant development in the plan period to 2037.

The SA/SEA Report November 2022 ([CS3a](#)) considers the spatial strategy at Section 5.1.1 Table 10 with the following options:

- a. Retain existing spatial strategy of the Core Strategy (4 spatial areas – Newbury & Thatcham, Eastern Area, East Kennet Valley, AONB)
- b. Revised spatial strategy with 3 spatial areas (Newbury & Thatcham, Eastern Area, AONB).

This section of the SA/SEA ([CD3a](#)) outlines that the spatial strategy also considers the distribution of development across the District and Table 11 considers the following options (with detailed SA/SEA table included in Appendix 4 [[CD3e](#)]):

- i. Additional housing requirement based on Core Strategy distribution (60% dwellings in Newbury/Thatcham, 21% in Eastern Area and East Kennet Valley, 19% in AONB).
- ii. Increased focus on Eastern Area - A site at Grazeley was put forward as a long term development proposal by a group of landowners/developers as a potential new settlement, for in the region of 10,000 dwellings plus supporting infrastructure). The sites included in the proposal are located in West Berkshire, Wokingham and Reading, therefore, development in this area would be supporting growth across the three Local Authorities. A number of smaller sites would be considered across the rest of the District.
- iii. Reduced focus on AONB - There are still allocations in the AONB to deliver, which will largely meet housing need in this rural area. Two of the Rural Service Centres have designated NDPs (Hungerford & Lambourn), the third (Pangbourne) has limited development opportunities. This scenario would see limited additional growth in these settlements and in the smaller service villages (one of which is preparing an NDP (Hermitage) and one who adopted an NDP in early 2022 (Compton).
- iv. Continued focus on Newbury - This option would focus a strategic site in the Newbury areas, with a number of smaller sites considered across the rest of the District.
- v. Focus on Thatcham - This option would focus a strategic site in the Thatcham area, with a number of smaller sites considered across the rest of the District. The Core Strategy focused limited growth in Thatcham (despite it being in the top tier of the settlement hierarchy) due to the rapid expansion that had taken place in the town over recent years. This was to allow a period of consolidation, ensuring the infrastructure and town centre facilities could be upgraded to meet the demands of the existing population. In reviewing the vision for Thatcham for the LPR the Council commissioned a Thatcham Strategic Growth Study. The study identified that strategic development would be required in Thatcham to support service provision and regeneration.

The settlement hierarchy:

The settlement hierarchy was considered as part of the SA/SEA report published for the Regulation 18 consultation on the Emerging Draft Local Plan Review in December 2020 ([CD17a](#)). At this stage in the plan preparation, the SA/SEA assessed two options as part of SP3 Settlement Hierarchy:

1. SP3 (i) Revised policy with greater specification

2. SP3 (ii) Continue with current policy.

Within the Core Strategy the settlement hierarchy is set out within ADDP1 and is set at a high level with the spatial strategy. The revised policy is separate to the spatial strategy policy but provides linkages between the two and allows for more detail to be provided.

The SA/SEA Report November 2022 ([CS3a](#)) considers the settlement hierarchy further at Section 5.1.2 and considers the following options:

- a. Remove Aldermaston as a service village due to a reduction in available services and facilities in the village since the initial designation.*
- b. Add Streatley as a service village as the village has access to a number of services and facilities in the neighbouring village of Goring (located within Oxfordshire).*
- c. Remove Burghfield as a rural service centre due to the presence of the AWE DEPZ.*

Detailed SA/SEA assessment is set out in Appendix 4 ([CD3e](#)), with the Settlement Hierarchy Review Topic Paper ([SET1](#)) setting out the detail of the settlement hierarchy review.

The approach to allocating land in the vicinity of the Atomic Weapons Establishments (AWE):

The approach to development within the vicinity of AWE is set out within SA/SEA report published for the Regulation 18 consultation on the Emerging Draft Local Plan Review in December 2020 ([CD17a](#)) as part of SP4. Within this section, two options were considered:

- 1. SP4 (i) Revised policy*
- 2. SP4 (ii) Continue with current policy.*

The two nuclear licenced facilities within West Berkshire do pose a potential, albeit remote possibility of harm to public health, and for this reason, and in line with the REPP19 Legislation, they warrant their own policy to manage development in the area most likely to be impacted. No reasonable alternatives were considered with regard to the approach to allocating land in the vicinity of AWE due to the interest of public safety.

PQ21 c) As part of the plan preparation the following reasonable alternatives were considered with regards to the sites allocated in the Plan.

Site options for the Plan were initially considered as part of the SA/SEA report published for the Regulation 18 consultation on the Emerging Draft Local Plan Review in December 2020 ([CD17a](#)) in Section 5. The site options considered were identified through the Housing and Economic Land Availability Assessment (HELAA) ([SIT4](#) and associated appendices), which makes a preliminary assessment of the potential and suitability of sites. The Site Selection Methodology paper ([SIT1](#)) sets out more detail on how the sites were assessed through the HELAA. Sites which were considered to have potential, and which were considered suitable through the

HELAA process were then subject to SA/SEA. A total of 50 sites were appraised during the initial SA/SEA assessment for the Regulation 18 LPR and the detailed appraisals are set out in Appendix 5 of [CS17f](#), with a summary in Table 15 of [CD17a](#).

The SA/SEA Report November 2022 ([CS3a](#)) further considers site options under section 5.3.2 with the detailed assessment tables set out in Appendix 4 for the strategic sites ([CD3e](#)) and appendix 8 for non-strategic sites ([CD3i-k](#))

For the strategic sites, consideration was given to the strategic sites already allocated within the Core Strategy. Newbury Racecourse is already largely completed and therefore is not carried forward as an allocation in the LPR. Whereas Sandford Park obtained outline planning permission in May 2022 and is yet to have completions on site. This site is carried forward as an allocation in the LPR following the initial SA/SEA consideration at Regulation 18 and the following options were then considered in [CD3a](#):

1. Re-allocate the site as a single site (as in Core Strategy for up to 2000 dwellings)
2. Re-allocate the site in two parts
3. Re-allocate part of the site
4. Re-allocate the site as a single site for 1500 dwellings.

Taking forward the spatial strategy focus on Thatcham, strategic site options were considered as follows under section 5.1.1 (pg 25 of [CD3a](#)):

- a. North East Thatcham for up to 2,500 dwellings
- b. Colthrop for approximately 800 dwellings
- c. Newbury/Thatcham gap for approximately 100 dwellings
- d. Henwick for approximately 250 dwellings
- e. North East Thatcham and Henwick combined total.

Following the selection of option a. above, further work was undertaken in response to comments made as part of the Regulation 18 consultation with regards to the quantum of development to be delivered on the North East Thatcham strategic site. As such, two further options were considered which assessed a quantum of development for up to 2,500 dwellings on this site, and another for 1,500 dwellings. Details are set out in Table 30 of [CD3a](#).

For existing site allocations within the Housing Site Allocations (HSA) DPD these were assessed as part of the initial SA/SEA assessment for Regulation 18, as set out above. As part of the SA/SEA Report November 2022 ([CS3a](#)) these are considered further under section 5.3.2.1 Non Strategic Residential Site Allocations and summarised in Table 32. Several of the existing allocations have now been completed or are under construction so do not need to remain as allocations within the LPR, the remaining sites have been reviewed and where there is a realistic chance of delivery they have been carried forward.

For new non-strategic site allocations, site options were considered as part of the Regulation 18 SA/SEA ([CD17a](#)), as set out above. Further updates to the HELAA were then made following Regulation 18 consultation as new sites came forward and other sites were removed. The HELAA site assessments then determined which

sites came forward for consideration through the SA/SEA process as site options. The November 2022 Report ([CD3a](#)) sets out the SA/SEA summary of these sites by spatial area under 5.3.2.1 New Allocations in the LPR (page 48-76 with full assessments in Appendix 8b ([CD3j-k](#))). The employment site options are considered on pages 79-87 of [CD3a](#)) and full assessments in Appendix 8c ([CD3k](#)).

PQ21d) Each policy, strategic and non-strategic in the Emerging Draft Local Plan Review, was assessed as part of the SA/SEA report published for the Regulation 18 consultation in December 2020 ([CD17a](#)). The SA/SEA assessment of each policy option is set out in Appendix 4 of [CD17e](#), and each policy considers two options:

1. Where there is an existing policy covering a topic area the options considered were to continue with current policy or have a revised policy with greater specification
2. Where there is no existing policy, the options were for a new policy or no policy.

Where policies have been taken forward in the LPR, these policies have then been subject to further SA/SEA in the November 2022 Report ([CD3a](#)) and this is set out in Section 5 of the report, with detailed assessments contained in Appendix 4 ([CD3e](#)), Appendix 5 ([CD3f](#)) and Appendix 6 ([CD3g](#)).

Atomic Weapons Establishments (AWE)

Inspector:

Policy SP4 states that planning permission is likely to be refused for development in the Detailed Emergency Planning Zones of AWE Aldermaston and AWE Burghfield and sets out consultation arrangements for different types of development in the 5km Outer Consultation Zones and 12km Consultation Zones for those establishments. The zones are defined on the Policies Map ([CD2](#)) and indicated on maps in Appendix 3.

PQ22. What, if any, development is proposed on allocations in the Plan in (a) the Detailed Emergency Planning Zones and (b) the 5km Outer Consultation Zones around AWE Aldermaston and AWE Burghfield?

Council response:

a) Within the Local Plan Review, there is one residential allocation that falls within the Detailed Emergency Planning Zone (DEPZ) for AWE Burghfield, also there is a Gypsy and Traveller site allocation within the DEPZ for AWE Aldermaston. Both are retained allocations from the current Local Plan and are illustrated in Figure 1 below.

AWE Aldermaston DEPZ:

Land adjacent to New Stocks Farm, Paices Hill, Aldermaston (policy RSA24) is currently allocated within the Housing Site Allocations Development Plan Document (HSA DPD) as a Gypsy and Traveller site for 8 permanent pitches. The site is already used for gypsy and traveller accommodation (transit site), and the proposed permanent use was not considered to have an impact on the emergency plan.

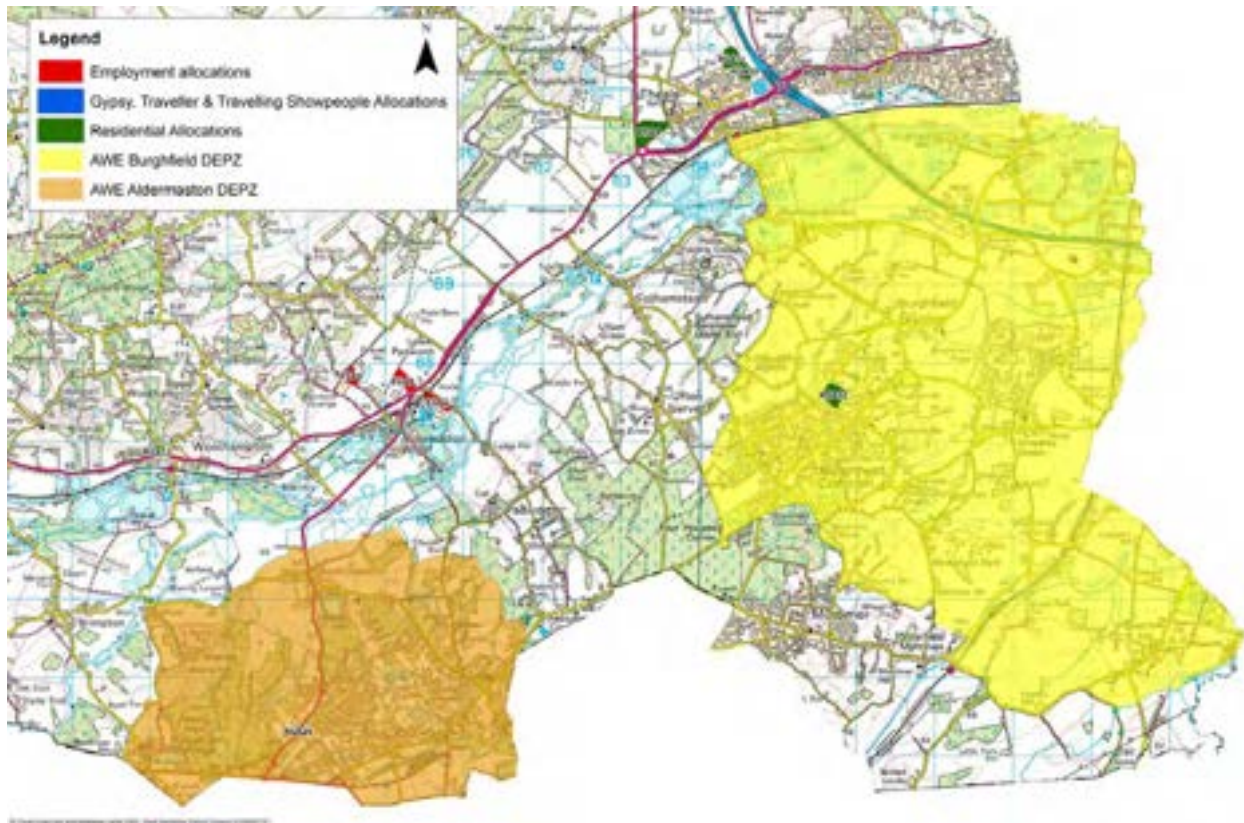
Full planning permission (22/00120/FUL) for the change of use from 8 transit caravans to 8 permanent pitches was granted permission on 30 September 2022.

AWE Burghfield DEPZ:

Land adjoining Pondhouse Farm, Burghfield (policy RSA12) is currently allocated within the HSA DPD for approximately 100 dwellings. Outline planning permission (ref. 18/02485/OUTMAJ) was granted planning permission on 5 December 2019, meaning that at the time the DEPZ was reconsidered in 2020, the 100 units proposed were included in the detailed calculations undertaken by Emergency Planning.

Since 2022, the site has been subject to a number of Reserved Matters applications and approvals.

Figure 1:



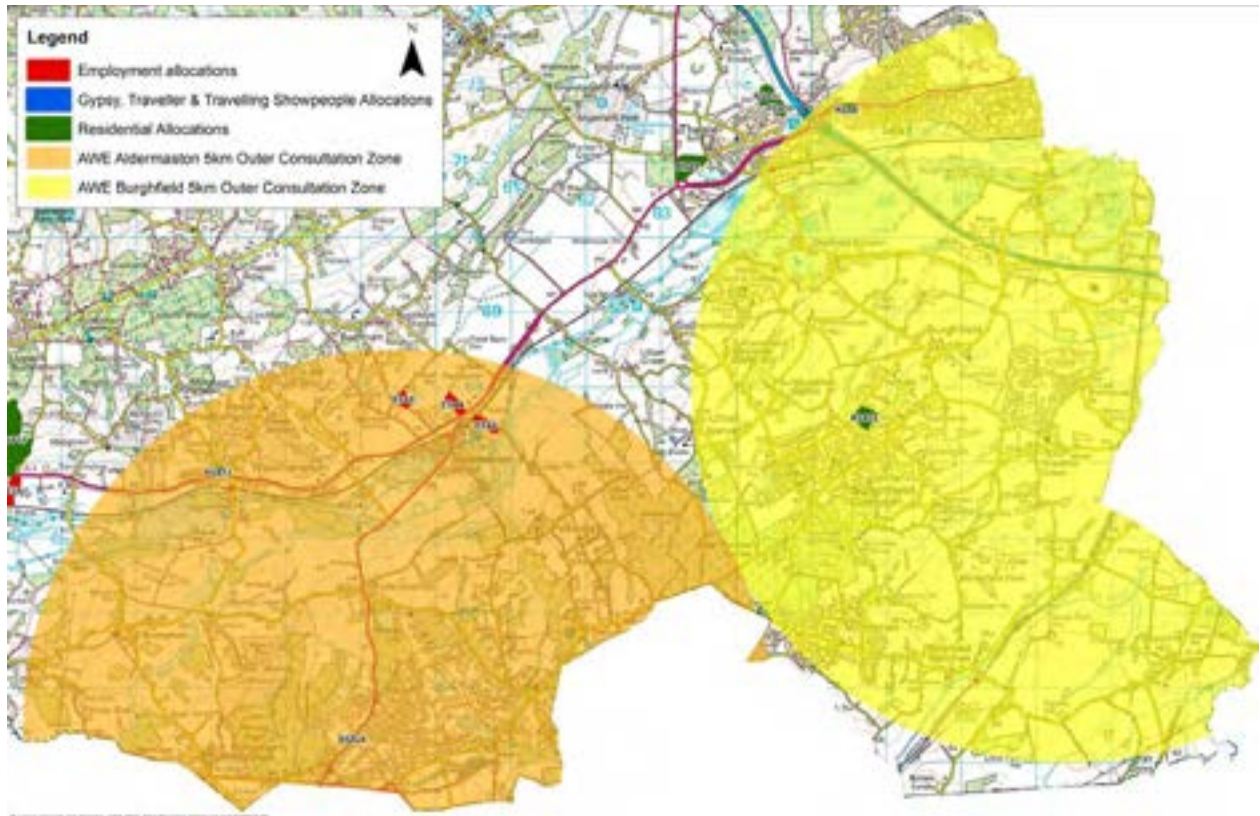
b) Policy SP4 confirms that the Outer Consultation Zones (OCZ) relating to AWE Aldermaston and AWE Burghfield are set at 5 kilometres as prescribed by Radiation (Emergency Preparedness and Public Information) Regulations 2001/2975.

The following allocations are proposed within AWE Aldermaston and AWE Burghfield. They are also shown in Figure 2 below.

Policy	Allocation	Dwellings / floorspace
AWE Aldermaston		
RSA13	Land north of A4 Bath Road, Woolhampton	16 dwellings
RSA24	New Stocks Farm, Paices Hill, Aldermaston	8 permanent Gypsy and Traveller pitches
ESA4	Beenham Landfill, Pips Way, Beenham	14,000 sq.m of employment floorspace for B2 and/or B8 uses
ESA5	Northway Porsche, Grange Lane, Beenham	6,400 sq.m of employment floorspace for B2 and/or E(g)(iii) uses
ESA6	Land adjacent to Padworth IWMF, Padworth Lane, Padworth	12,400 sq.m of employment floorspace for B2 and/or B8 uses

<i>AWE Burghfield</i>		
<i>RSA8</i>	<i>Land adjacent to Bath Road and Dorking Way, Calcot</i>	<i>35 dwellings</i>
<i>RSA12</i>	<i>Land adjoining Pondhouse Farm, Clayhill Road, Burghfield Common</i>	<i>100 dwellings</i>

Figure 2:



Flood risk

Inspector:

Paragraph 4.8 of the Sequential Test Report¹⁸ states that all sites considered to be reasonable alternatives for accommodating the proposed growth identified in the Plan have been assessed for flood risk and that the allocations are appropriate from a flooding perspective.

PQ23. Are any of the allocations in the Plan within flood zone 2 or flood zone 3, or otherwise identified as being at risk of flooding? If so, summarise how the site passed the sequential test and exception test, and clarify whether the development proposed on the allocation could be located away from the areas at risk of flooding.

Council response:

Whilst some of the allocations do contain small areas at risk of flooding, development can be accommodated outside of these areas, as the table below sets out.

Allocation	Does any part of the site lie within Flood Zone 2 and/or 3, or otherwise identified as being at risk of flooding?
<i>Strategic site allocations</i>	
<i>SP16: Sandlesford</i>	<p><i>The site is allocated within the Core Strategy and the allocation is being retained in the Local Plan Review (LPR).</i></p> <p><i>Small areas of the site are at risk of flooding; however development can be accommodated outside of these areas.</i></p> <p><i>1% of the site lies within Flood Zone 2 and 1% in Flood Zone 3b. Both areas are restricted to the far southern site boundary.</i></p> <p><i>A very small proportion of the site is at risk of surface water flooding (2% in a 1 in 30-year event, 3% in a 1 in 100-year event, and 6% in a 1 in 1000-year event. The surface water flood risk follows the routes of the ordinary watercourses within the site.</i></p> <p><i>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.</i></p>

¹⁸ WAT5.

Allocation	Does any part of the site lie within Flood Zone 2 and/or 3, or otherwise identified as being at risk of flooding?
	<p>Only 35% of the site is within the highest risk category on JBA’s groundwater map, and this area is concentrated within the central and southern part of the site. Nonetheless the Jacobs mapping does not show any risk to the site. The Lead Local Flood Authority have not indicated that there have been any incidences of groundwater flooding on the site.</p> <p>Appendix C: Site Maps (see site ref CS3, pp. 19-20) of the Level 2 Strategic Flood Risk Assessment (SFRA) illustrates the areas at risk of flooding on the site. The site-specific allocation policy (SP16) requires that a detailed flood risk assessment with hydraulic modelling will be required for the whole site as part of any planning application.</p> <p>The eastern half of the site has outline planning permission (20/01238/OUTMAJ), and an outline application is pending determination for the western half (23/01585/OUTMAJ). The approved masterplan for the eastern half includes a country park in the central area of the site which the JBA flood map shows as being in the highest risk category. T</p>
<p>SP17: North East Thatcham</p>	<p>This is a new site allocation, and it does not have planning permission.</p> <p>Small areas of the site are at risk of flooding; however, development can be accommodated outside of these areas.</p> <p>The site lies within Flood Zone 1 and a small part (19%) is at risk of surface water flooding in a 1 in 1000-year flood event. Development could be accommodated outside of the areas at risk of flooding.</p> <p>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.</p> <p>The JBA Flood Map shows that the majority of the site is not at risk of groundwater flooding. Within the far south eastern site corner, groundwater levels are within 0.025m of the ground surface. Nonetheless the Jacobs mapping does not show any risk to the site. The Lead Local Flood Authority have not indicated that there have been any incidences of groundwater flooding on the site.</p> <p>The site-specific allocation policy (SP17) requires that development of the site must be supported by a Sustainability Charter which will establish how the policy requirements will be achieved. This will be informed by an Integrated Water Supply and Drainage Strategy which will</p>

Allocation	Does any part of the site lie within Flood Zone 2 and/or 3, or otherwise identified as being at risk of flooding?
	<i>set out surface water management approaches that could deliver net gain for Thatcham town, including use of on-site sustainable drainage systems.</i>
Other residential allocations	
<i>RSA1: Land north of Newbury College, Newbury</i>	<i>Retained allocation from the Housing Site Allocations Development Plan Document (HSA DPD). The site has outline and Reserved Matters permission. Within Flood Zone 1. Not at risk of surface water flooding and groundwater levels at least 5m below the ground.</i>
<i>RSA2: Land at Bath Road, Speen, Newbury</i>	<i>Retained allocation from the HSA DPD. Site has outline planning permission for 107 units (17/02092/OUTMAJ), and full permission for 11 units. The site is within Flood Zone 1 and is not at risk from any other source of flooding.</i>
<i>RSA3: Land at Coley Farm, Newbury</i>	<i>Retained allocation from the HSA DPD. Site has full planning permission (20/00604/FULEXT). Small areas of the site are at risk of flooding; however, development can be accommodated outside of these areas. Within Flood Zone 1. Small area within the central eastern part of site at risk of surface water flooding within a 1 in 1000-year event. The approved plans include two attenuation basins. The site-specific policy for the site requires any planning application to be accompanied by a Flood Risk Assessment (FRA) which must consider the flood risk downstream of the site and include mitigation measures including sustainable drainage measures to manage surface water on-site. No risk from groundwater flooding.</i>
<i>RSA4: Land off Greenham Road, Newbury</i>	<i>Retained allocation from the HSA DPD. The site has outline and Reserved Matters permission. Small areas of the site are at risk of flooding; however, development can be accommodated outside of these areas. Within Flood Zone 1. Small areas of the site at risk of surface water flooding in a 1 in 1000-year event. The approved plans do not include development within these areas. No risk of groundwater flooding.</i>
<i>RSA5: Land at Lower Way, Thatcham</i>	<i>Retained allocation from the HSA DPD. Site has full planning permission. Small areas of the site are at risk of flooding; however, development can be accommodated outside of these areas. Within Flood Zone 1. Far western corner of the site at risk of surface water flooding in a 1 in 30-year event. The approved plans (18/00964/FULEXT) do not include any development within this area.</i>

Allocation	Does any part of the site lie within Flood Zone 2 and/or 3, or otherwise identified as being at risk of flooding?
	<p><i>The site-specific policy for the site requires that any planning application must be supported by a FRA which considers the adjacent area of surface water flood risk and the ordinary watercourse on the site. The FRA must also consider all potential sources of flood risk and advise on the necessary mitigation measures to be incorporated within the development.</i></p> <p><i>The SFRA has used two datasets to assess groundwater flood risk – Jacobs Groundwater Mapping and Modelling, in addition to the JBA Flood Map. The JBA flood map indicates that groundwater levels either at or very close to surface across southern half of site, and are between 0.025m and 0.5m below surface across remainder of site. However, 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 Jacobs mapping does not show any risk to the site. The Lead Local Flood Authority have not indicated that there have been any incidences of groundwater flooding on the site.</i></p>
<p><i>RSA6: Stoneham's Farm, Tilehurst</i></p>	<p><i>Retained allocation from the HSA DPD. The site has full planning permission.</i></p> <p><i>Small areas of the site are at risk of flooding; however, development can be accommodated outside of these areas.</i></p> <p><i>Within Flood Zone 1. Small area within the centre of the site at risk of surface water flooding in a 1 in 100-year event, and part of the western site boundary at risk of surface water flooding in a 1 in 1000-year event. The approved plans do not include any development in these areas.</i></p> <p><i>Groundwater levels are at least 5m below the ground.</i></p>
<p><i>RSA7: 72 Purley Rise, Purley on Thames</i></p>	<p><i>Retained allocation from the HSA DPD. Site has outline and Reserved Matters permission.</i></p> <p><i>Within Flood Zone 1. Not at risk from surface water flooding. Groundwater levels between 0.025m and 5m below the ground.</i></p> <p><i>The SFRA has used two datasets to assess groundwater flood risk – Jacobs Groundwater Mapping and Modelling, in addition to the JBA Flood Map. The JBA flood map indicates that groundwater levels are between 0.025m and 5m below the ground. However, 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 Jacobs mapping does not show any risk to the site. The Lead Local Flood Authority have not</i></p>

Allocation	Does any part of the site lie within Flood Zone 2 and/or 3, or otherwise identified as being at risk of flooding?
	<i>indicated that there have been any incidences of groundwater flooding on the site.</i>
<i>RSA8: Land adjacent to Bath Road and Dorking Way, Calcot</i>	<p><i>Retained allocation from the HSA DPD. The site does not have planning permission.</i></p> <p><i>Within Flood Zone 1. The western site boundary at risk of surface water flooding in a 1 in 1000-year event. No risk of groundwater flooding.</i></p>
<i>RSA9: Land between A340 & The Green, Theale</i>	<p><i>Retained allocation from the HSA DPD. The site has outline planning permission. Reserved Matters application pending determination.</i></p> <p><i>Within Flood Zone 1. The north eastern site corner and three small areas within the north western part of the site are at risk of surface water flooding in a 1 in 1000 year event. These areas fall within a landscape buffer as identified in the site specific policy for the site. The approved plans do not include any development within these areas.</i></p> <p><i>Groundwater levels are either at or very close to surface. The SFRA has used two datasets to assess groundwater flood risk – Jacobs Groundwater Mapping and Modelling, in addition to the JBA Flood Map. The JBA flood map indicates that groundwater levels either at or very close to surface across southern half of site, and are between 0.025m and 0.5m below surface across remainder of site. However, 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 Jacobs mapping does not show any risk to the site. The Lead Local Flood Authority have not indicated that there have been any incidences of groundwater flooding on the site. The site specific policy for the site requires that the scheme must be supported by a FRA which will form any mitigation measures.</i></p>
<i>RSA10: Whitehart Meadow, Theale</i>	<p><i>New allocation. Parts of the site are at risk of flooding; however, development can be accommodated outside of these areas.</i></p> <p><i>Far northern part of site within Flood Zone 2, and the remainder of the site is within Flood Zone 1. Development can be accommodated within Flood Zone 1.</i></p> <p><i>Small parts of the site are at risk of surface water flooding in a 1 in 1000 year flood event.</i></p> <p><i>The SFRA has used two datasets to assess groundwater flood risk – Jacobs Groundwater Mapping and Modelling, in addition to the JBA Flood Map. The JBA flood map indicates that groundwater levels are within 0.025m below the ground. However, the SFRA comments that the JBA</i></p>

Allocation	Does any part of the site lie within Flood Zone 2 and/or 3, or otherwise identified as being at risk of flooding?
	<p><i>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 Jacobs mapping does not show any risk to the site. The Lead Local Flood Authority have not indicated that there have been any incidences of groundwater flooding on the site.</i></p> <p><i>Criterion (g) of the site specific policy requires a FRA, whilst criterion (h) does not allow development within Flood Zone 2.</i></p>
<p><i>RSA11: Former Theale Sewage Treatment Works, Theale</i></p>	<p><i>New allocation. Parts of the site are at risk of flooding; however, development can be accommodated outside of these areas.</i></p> <p><i>The site is predominantly within Flood Zone 1, however the south eastern site corner is within Flood Zone 2. A small area within the centre of the site is at risk of surface water flooding in a 1 in 1000 year event.</i></p> <p><i>The SFRA has used two datasets to assess groundwater flood risk – Jacobs Groundwater Mapping and Modelling, in addition to the JBA Flood Map. The JBA flood map indicates that groundwater levels are within 0.025m below the ground. However, 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 Jacobs mapping does not show any risk to the site. The Lead Local Flood Authority have not indicated that there have been any incidences of groundwater flooding on the site.</i></p> <p><i>Criterion (g) of the site specific policy requires a FRA, whilst criterion (h) does not allow development within Flood Zone 2.</i></p>
<p><i>RSA12: Land adjoining Pondhouse Farm, Burghfield Common</i></p>	<p><i>Retained allocation from the HSA DPD. The site has outline and reserved matters planning permission.</i></p> <p><i>Within Flood Zone 1 and no risk of surface water flooding.</i></p> <p><i>No risk of groundwater flooding.</i></p>
<p><i>RSA13: Land north of A4 Bath Road, Woolhampton</i></p>	<p><i>New allocation. Within Flood Zone 1. No risk of surface water or groundwater flooding.</i></p>
<p><i>RSA14: Land adjoining Lynch Lane, Lambourn</i></p>	<p><i>Retained allocation from the HSA DPD. The site does not have planning permission.</i></p> <p><i>Within Flood Zone 1 and not at risk of surface water flooding.</i></p> <p><i>Groundwater levels between 0.025m and 0.5m below surface. Jacobs groundwater modelling indicates that the site is at risk of groundwater emergence in a 1 in 30 year event. The Lead Local Flood Authority have not indicated</i></p>

Allocation	Does any part of the site lie within Flood Zone 2 and/or 3, or otherwise identified as being at risk of flooding?
	<p>that there have been any incidences of groundwater flooding on the site.</p> <p>The site specific policy for the site requires a FRA which must take account of all potential sources of flood risk, including groundwater emergence. As part of the FRA consideration will also be given to the provision of SuDS on the site, along with necessary mitigation measures;</p>
<p>RSA15: Land at Newbury Road, Lambourn</p>	<p>Retained allocation from the HSA DPD. The site has full planning permission.</p> <p>Within Flood Zone 1, and not at risk of surface water flooding. Groundwater levels between 0.025m and 0.5m below surface. Jacobs groundwater modelling indicates that the site is at risk of groundwater emergence in a 1 in 30 year event. The Lead Local Flood Authority have not indicated that there have been any incidences of groundwater flooding on the site.</p> <p>The site specific policy for the site requires a FRA which must take account of all potential sources of flood risk, including groundwater emergence. As part of the FRA consideration will also be given to the provision of SuDS on the site.</p>
<p>RSA16: Land North of Southend Road, Bradfield Southend</p>	<p>New allocation.</p> <p>Within Flood Zone 1. No risk of surface water flooding. The SFRA has used two datasets to assess groundwater flood risk – Jacobs Groundwater Mapping and Modelling, in addition to the JBA Flood Map. The JBA flood map indicates no risk of groundwater flooding on the northern part of the site. On the southern part of the site groundwater levels are at least 5m below the ground surface.</p>
<p>RSA17: Land at Chieveley Glebe, Chieveley</p>	<p>New allocation. Within Flood Zone 1. Not at risk of surface water flooding. The eastern half of the site is not at risk of groundwater flooding. On the eastern half of the site, groundwater levels are between 0.5 and 5m below the surface of the ground.</p>
<p>RSA18: Pirbright Institute Site, High Street, Compton</p>	<p>Retained allocation from the HSA DPD. The site has outline planning permission.</p> <p>Small areas of the site are at risk of flooding; however, development can be accommodated outside of these areas.</p> <p>Majority of site within Flood Zone 1, although southern site boundary within Flood Zones 2 and 3. Groundwater levels between 0.5m and 5m below surface.</p> <p>The site allocation policy for the site does not permit any development within Flood Zones 2 and 3. The approved masterplan for the site does not include any development in this area.</p>

Allocation	Does any part of the site lie within Flood Zone 2 and/or 3, or otherwise identified as being at risk of flooding?
<i>RSA19: Land west of Spring Meadows, Great Shefford</i>	<p><i>New allocation. Small areas of the site are at risk of flooding; however development can be accommodated outside of these areas.</i></p> <p><i>Within Flood Zone 1.</i></p> <p><i>The site is at low risk of surface water flooding. The north east corner of the site is at risk of flooding from a surface water flow path during a 1 in 1000 year rainfall event, which then drains into the Great Shefford Stream. An area of surface water ponding is also predicted to form beyond the northern boundary of the site during a 1 in 100 year rainfall event.</i></p> <p><i>The SFRA has used two datasets to assess groundwater flood risk – Jacobs Groundwater Mapping and Modelling, in addition to the JBA Flood Map. The JBA flood map indicates that groundwater levels are between 0.5 and 5m below the ground surface. However, 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 Jacobs groundwater modelling indicates that the site was subject to groundwater flooding in 2014, however the Lead Local Flood Authority have commented that groundwater emergence was recorded during the 2014 flood event at the north east quarter of the site.</i></p> <p><i>Criterion (g) of the site specific policy requires that the scheme be informed by a FRA and that development is avoided on the small part of the site where there is the surface water flow path, and where groundwater emergence was recorded.</i></p>
<i>RSA20: Land off Charlotte Close, Hermitage</i>	<p><i>Retained allocation from the HSA DPD. The site has full planning permission.</i></p> <p><i>Small areas of the site are at risk of flooding; however development can be accommodated outside of these areas.</i></p> <p><i>Within Flood Zone 1. No risk of groundwater flooding.</i></p> <p><i>North western corner of site at risk of surface water flooding in a 1 in 30-year event. Western site boundary at risk in a 1 in 1000 year event. There is an ordinary watercourse in a culvert beneath the site.</i></p> <p><i>Criterion (c) of the site specific policy requires a FRA and for there to be a 10m wide undeveloped buffer zone to the culvert.</i></p> <p><i>The approved plans do not include any development in the areas at risk of flooding.</i></p>
<i>RSA21: Land to the south east of the Old Farmhouse, Hermitage</i>	<p><i>Retained allocation from the HSA DPD. The site has outline and Reserve Matters planning permission.</i></p>

Allocation	Does any part of the site lie within Flood Zone 2 and/or 3, or otherwise identified as being at risk of flooding?
	<p>Small areas of the site are at risk of flooding; however development can be accommodated outside of these areas.</p> <p>Within Flood Zone 1. No risk of groundwater flooding.</p> <p>The south eastern and north western site corners at risk of surface water flooding in a 1 in 1000 year event. There is an ordinary watercourse in a culvert beneath the site.</p> <p>Criterion (f) of the site specific policy requires a FRA and for there to be a 10m wide undeveloped buffer zone to the culvert.</p> <p>The approved plans do not include any development in the areas at risk of flooding.</p>
RSA22: Land adjacent Station Road, Hermitage	<p>New allocation. Small areas of the site are at risk of flooding; however development can be accommodated outside of these areas.</p> <p>Within Flood Zone 1 and no risk of groundwater flooding.</p> <p>Two low risk flow paths travel through the centre of the site. At the site centre the flow paths converge, leading to two high risk pooling areas. Along the access to Marlston Road there is an area of high risk flooding. Flood risk covers ≈20% of the site.</p> <p>Criterion (j) of the site specific policy requires a FRA to inform the delivery of the site.</p>
RSA23 Land adjoining The Haven, Kintbury	<p>New allocation. The site is within Flood Zone 1. There is no risk of surface or groundwater flooding.</p>
Gypsies, Travellers and Travelling Showpeople Allocations	
RSA24: New Stocks Farm, Paices Hill, Aldermaston	<p>Retained allocation from the HSA DPD. Small areas of the site are at risk of flooding; however development can be accommodated outside of these areas.</p> <p>Within Flood Zone 1. North western corner of site boundary at risk of surface water flooding in a 1 in 1000 year flood event.</p> <p>The SFRA has used two datasets to assess groundwater flood risk – Jacobs Groundwater Mapping and Modelling, in addition to the JBA Flood Map. The JBA flood map indicates that groundwater levels are between 0.025m and 0.5m below the ground. However, 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 Jacobs mapping does not show any risk to the site.</p>
RSA25: Long Copse Farm, Enborne	<p>Retained allocation from the HSA DPD. Small areas of the site are at risk of flooding; however development can be accommodated outside of these areas.</p> <p>Within Flood Zone 1. The SFRA has used two datasets to assess groundwater flood risk – Jacobs Groundwater</p>

Allocation	Does any part of the site lie within Flood Zone 2 and/or 3, or otherwise identified as being at risk of flooding?
	<p>Mapping and Modelling, in addition to the JBA Flood Map. The JBA flood map indicates that the site is not at risk of groundwater flooding.</p> <p>The northern site boundary and the far north eastern part of the site are at risk of surface water flooding in a 1 in 30 year flood event.</p> <p>There is a watercourse that runs through the site. Criterion (l) of the site specific policy requires that a 5m buffer is required between the watercourse and any proposed plots.</p>
Employment land allocations	
<p>ESA1: Land east of Colthrop Industrial Estate, Thatcham</p>	<p>New allocation. Small areas of the site are at risk of flooding; however development can be accommodated outside of these areas.</p> <p>Within Flood Zone 1. The north western part of the site and the southern and eastern site boundaries are at risk of surface water flooding in a 1 in 1000 year event. The southern half of the site is not at risk of groundwater flooding. At the northern half of the site, groundwater levels are within 0.025m of the ground surface.</p> <p>The SFRA has used two datasets to assess groundwater flood risk – Jacobs Groundwater Mapping and Modelling, in addition to the JBA Flood Map. The JBA flood map indicates that on the southern half of the site, there is no risk of groundwater flooding. At the northern half of the site, groundwater levels are within 0.025m of the ground surface. However, 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 Jacobs mapping does not show any risk to the site. The Lead Local Flood Authority have not indicated that there have been any incidences of groundwater flooding on the site. Criterion (g) of the site specific policy requires development to be informed by a FRA, which will include flood mitigation measures.</p> <p>The site has outline planning permission. The approved plans do not include any development in the areas at risk of flooding.</p>
<p>ESA2: Land west of Ramsbury Road, Membury Industrial Estate</p>	<p>New allocation. Within Flood Zone 1. No risk of surface or groundwater flooding.</p>
<p>ESA3: Land to the south of Trinity Grain, Membury</p>	<p>New allocation. Within Flood Zone 1. No risk of surface or groundwater flooding.</p>

Allocation	Does any part of the site lie within Flood Zone 2 and/or 3, or otherwise identified as being at risk of flooding?
<i>ESA4: Beenham Landfill, Beenham</i>	<p><i>New allocation. Small area of the site is at risk of flooding; however development can be accommodated outside of this area.</i></p> <p><i>Within Flood Zone 1. No risk of groundwater flooding. South eastern site corner at risk of surface water flooding in a 1 in 30 year event.</i></p> <p><i>Criterion (f) of the site specific policy requires a FRA to inform development.</i></p>
<i>ESA5: Northway Porsche, Grange Lane, Beenham</i>	<p><i>New allocation. Small area of the site is at risk of flooding; however development can be accommodated outside of this area.</i></p> <p><i>Within Flood Zone 1. The south western corner of the site is at risk of surface water flooding in a 1 in 1000 year event.</i></p> <p><i>The SFRA has used two datasets to assess groundwater flood risk – Jacobs Groundwater Mapping and Modelling, in addition to the JBA Flood Map. The JBA flood map indicates that groundwater levels are within 0.025m of the ground surface. However, 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 Jacobs mapping does not show any risk to the site. The Lead Local Flood Authority have not indicated that there have been any incidences of flooding.</i></p> <p><i>Criterion (f) of the site specific policy requires a FRA to inform development.</i></p>
<i>ESA6: Land adjacent to Padworth IWMF, Padworth</i>	<p><i>New allocation. Small area of the site is at risk of flooding; however development can be accommodated outside of this area.</i></p> <p><i>Within Flood Zone 1. Three small areas along the western site boundary are at risk of surface water flooding in 1 in 1000 year event.</i></p> <p><i>The SFRA has used two datasets to assess groundwater flood risk – Jacobs Groundwater Mapping and Modelling, in addition to the JBA Flood Map. The JBA flood map indicates that groundwater levels are within 0.025m of the ground surface. However, 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 Jacobs mapping does not show any risk to the site. The Lead Local Flood Authority have not indicated that there have been any incidences of flooding.</i></p> <p><i>Criterion (e) of the site specific policy requires a FRA to inform development.</i></p>

Housing Requirement

Inspector:

To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need can be met over the plan period¹⁹.

Policy SP12 states that provision will be made for 8,721 to 9,146 net additional homes per year between 2022 and 2039 (513 to 538 per year) and goes on to advise that the target of 538 does not constitute a cap to development.

Paragraph 6.2 of the Plan states that local housing need calculated using the standard methodology is 513 dwellings per year based on 2022 data. Paragraph 6.5 refers to Reading Borough Council having identified a shortfall of 230 dwellings in their current local plan period to 2036. Paragraph 6.7 refers to a review of the Reading local plan being required by 2024 and the principle of meeting any unmet need in the Western Berkshire housing market area. Paragraph 6.9 refers to 5% on top of local housing need to boost supply and to have some built-in flexibility.

PQ24. (a) What is the minimum housing requirement figure for the District – 513 or 538 dwellings per year?
(b) Does the Plan intend to meet the shortfall of 230 dwellings identified by Reading Borough Council in the period to 2036?
(c) Is the intention that the annual five year housing requirement will be calculated on the basis of 513 or 538 dwellings per year?

Council response:

a) The minimum housing requirement is 513 dwellings per year.

b) As set out in the supporting text to policy SP12 (Approach to Housing Delivery) of the Proposed Submission Local Plan Review 2022-2039 (CD1), the local authorities which make up the Western Berkshire Housing Market Area (HMA) have agreed a Statement of Common Ground for the purposes of local plan-making. This continues to recognise Reading's unmet need set out in the Reading Local Plan and the principle that the need should be met within the West Berkshire HMA. This agreement relates only to Reading's need as calculated by the Strategic Housing Market assessment (SHMA).

¹⁹ NPPF 60 and 65.

Whilst the distribution of the unmet need has not been agreed, some of Reading's unmet need (average of 14 dwellings pa from 2019 to 2036) can in theory be met through the housing requirement range identified in the LPR which seeks to ensure delivery above the minimum LHN.

It is acknowledged that this matter is due to be revisited as part of Reading Borough Council's Local Plan Review, due to commence in 2023, given that the standard methodology would significantly increase Reading's housing need.

In its response to the consultation of the Regulation 19 Proposed Submission Local Plan Review 2022-2039, Reading Borough Council commented (response id: PS534):

"The policy proposes meeting the identified local housing need for West Berkshire in full, and expresses a range with local housing need at the lower end of the range. There is therefore flexibility to deliver housing over and above local housing need. RBC therefore supports the policy.

As recognised in the supporting text, the Reading Borough Local Plan includes a small unmet housing need of 230 homes over the plan period to 2036, based on the level of need assessed during the Strategic Housing Market Assessment. This matter is subject to a Memorandum of Understanding between WBDC, RBC, Wokingham Borough Council and Bracknell Forest Council signed in August 2021. This plan does not specifically make any allowance for meeting these unmet needs, but we recognise that the flexibility inherent in the dwelling range expressed, in combination with the plans of other authorities, will enable these unmet needs to be met. This matter will however need to be revisited as part of RBC's Local Plan Review, due to commence in 2023, given that the standard methodology would significantly increase Reading's housing need. It should therefore be noted that the matter of unmet housing need will need to be revisited in a future Local Plan review."

The Council therefore believes it would be helpful to clarify the situation in the supporting text of policy SP12 by amending paragraph 6.7 to include:

The Council will continue to work with the other authorities in the HMA to address this issue once Reading Borough Council has a more complete picture of its LHN as calculated by the standard methodology.

c) The PPG (ID: 68-027-20190722 and ID:68-039-20190722) is clear that both the five-year housing land supply (5YHLS) and the Housing Delivery Test (HDT) will be measured against the lower end of the range. That ensures that authorities that plan to exceed the LHN are not penalised for their ambition with the risk of policies being deemed to be out of date, or the presumption in favour of sustainable development being applied, if delivery or supply falls short of the upper end of the range.

The five-year housing requirement will therefore be calculated on the basis of 513 dwellings.

Housing supply for the plan period

Inspector:

Paragraphs 6.11 to 6.23 in the Plan describe various sources of housing land supply:

- Allocations in existing plans retained and included in the Plan
- Allocations in existing plans that are at an advanced stage of construction (not included as allocations in the Plan)
- Unallocated sites that have planning permission
- Windfall allowance for sites of fewer than 10 dwellings
- Sites to be allocated in neighbourhood plans
- New allocations in the Plan

The Plan does not seem to set out what the overall total supply of net additional dwellings is expected to be from those sources. The Housing Background Paper includes a summary table that indicates a total supply of 9,137 net units as at 31 March 2022²⁰.

PQ25. (a) Is the overall land supply identified in the Plan expected to have capacity for a total of 9,137 net additional dwellings in the period 2022 to 2039? (b) Is that land supply expected to be sufficient to ensure that the housing “target” of 9,146 dwellings can be met during that period?

Council response:

PQ25a) Yes. Various sources will ensure that there is a continuous housing supply across the plan period. As set out in in the summary table in the Housing Background Paper ([HOU6](#)), these sources total 9,137 dwellings.

The supporting text to Policy SP12 (Approach to Housing Delivery) as currently written does not clearly set out what the total supply is and the Council propose modifications set out below to clarify the supply position. In addition, one further site needs to be considered within the supply and the reasons for this are also set out below.

Following the submission of the Local Plan Review, officers were made aware that an unallocated site with planning permission for 160 dwellings which was originally thought to have lapsed was in fact extant (Land off Faraday Plaza and Kelvin Road, Newbury). The permission is confirmed to be extant by virtue of the setting out of the road, reduced level dig (excavation), and back-filling.

The overall land supply with the inclusion of the 160 units on Land off Faraday Plaza and Kelvin Road, Newbury is 9,297 dwellings.

²⁰ HOU6 Table 3.4

However, the response to PQ19 states that while the plan period is 15 years from adoption, this does not cover the full financial years post adoption. The Council therefore propose to make a modification within its response to PQ19 to add the additional required years to the plan period. As the Plan is now likely to be adopted in 2025, the plan period will be extended to 2040/41. See response to PQ19.

With this proposed modification in mind, Policy SP12 will therefore also need to be modified to include an extra two year's provision. As such, the overall housing requirement for the Plan period would be 9,747 to 10,222 – see response to PQ19 for proposed modifications.

Extending the Plan period by a further two years will also have an impact upon the housing supply, as the Council needs to include a small site windfall allowance for these additional years. This results in a total housing supply of 9,577 dwellings. The extant permission at Land off Faraday Road and Kelvin Road, Newbury (as mentioned above) is also accounted for in this figure. The supply figures are correct as of September 2023, and may be subject to change once the monitoring of planning commitments 2022/2023 is completed and taken into consideration.

The Council propose to make the following modifications to the supporting text to Policy SP12 to reflect updates in the supply:

Supporting text

Existing planning commitments on unallocated sites

6.16. Existing permissions for housing on non-allocated sites will also contribute to the supply, over ~~1,958~~ 2,118 units on windfall sites, those not specifically identified in the development plan, already had permission or prior approval for permitted development at 31 March 2022.

Windfall

6.20. The Council has assessed the contribution likely to be made from windfall sites based on past trends. It is clear that windfall sites have consistently played an important role in the housing supply of the District: approximately 74% of completions in the period 2006-2022 were on unallocated, windfall sites. The windfall allowance, of 140 dwellings per annum is, in comparison, relatively modest. It has been based on the average annual delivery on small sites of less than 10 units over the existing plan period 2006 – 2022. The calculated allowance set out in Table 2 takes account of existing small permissions that are already included in the supply by deducting these from the allowance of 140 dpa over the period 2022 to ~~2039~~ 2041. Any future windfall sites of 10 units or more are not included in the calculations of future supply, which introduces flexibility and means that any allocations of medium or large sites within settlement boundaries will not result in any double-counting.

Housing supply at ~~March 2022~~

6.21. Part 1 of Table 2 shows the committed supply position at 31 March 2022. 31 March 2022 is the date when the annual monitoring of development takes place. As aforementioned, for the purposes of calculating the housing supply, if a site has

planning permission, then the number of dwellings permitted, or already built, has been taken into account in the table.

Table 2: Housing supply at 31 March 2022

Supply category	Net outstanding units
3. Committed supply at 31 March 2022	
Local Plan retained allocations	
• Core Strategy: Sandford Park Strategic Site	1,580
• Housing Site Allocations DPD Sites	990
Subtotal	2,570
Neighbourhood Development Plan allocation	
• Stratfield Mortimer NDP Site	82
Subtotal	2,652
Local Plan allocations not being retained (due to site being at an advanced stage of construction)	
• Core Strategy: Newbury Racecourse	465
• HSA DPD Sites	256
Subtotal	721
Existing planning commitments on unallocated sites	1,958 2,118
Existing planning commitments for C2 Use Class communal accommodation	57
Small site Windfall allowance to 2039 2041	1,949 2,229
Total committed supply	7,337 7,777
4. Future supply	
New allocations within the LPR	1,720
Sites to be allocated in Neighbourhood Development Plans	
• Hungerford	55
• Lambourn	25
Subtotal	80
Total future supply	1,800
Total housing supply	9,577

Future supply

6.21. In order to meet the target of 538 new dwellings per annum over the plan period, sites for a further ~~1,809~~ 2,445 dwellings need to be found (requirement of ~~9,146~~ 10,222 minus committed supply of ~~7,337~~ 7,777).

6.22. Part 2 of Table 2 shows that allocations will be identified to accommodate 80 dwellings within the NDPs for Hungerford and Lambourn. This leaves a remaining 2,365 dwellings to be identified through new allocations in the LPR.

6.23 There also needs to be some built in flexibility to allow for phasing issues and for an element of non-delivery. The expression of the requirement as a range and the use of a relatively modest windfall allowance both add to the flexibility required to ensure that targets can be met.

PQ25b) As submitted, the Plan shows a very small undersupply against the housing “target” (9 dwellings). As discussed in the response to PQ25 (a) above, a site with extant planning permission (160 units on Land off Faraday Plaza and Kelvin Road, Newbury) which was originally omitted from the supply needs to be taken into account. The inclusion of this site means that the land supply is sufficient to ensure that the “target” of 9,146 dwellings can be met over the Plan period.

However, as detailed in the response to PQ25 (a) above, the Council propose to extend the Plan period to 2040/41. The implication of this is that there will be a shortfall of 645 dwellings against the housing “target”.

Five year housing land supply

Inspector:

Planning policies should identify a supply of specific, deliverable sites for years one to five of the plan period with an appropriate buffer. The Council will need to update annually a supply of specific, deliverable sites sufficient to provide a minimum of five years' worth of housing against the housing requirement in the Plan once it has been adopted²¹.

Appendix 8 in the Plan sets out a housing trajectory. Further details about the trajectory are included in the Housing Background Paper²².

PQ26. What was the five year housing land requirement, including an appropriate buffer, on 1 April 2022 based on an annual requirement of (a) 513 and (b) 538 dwellings per year?

Council response:

(a) 513 dwellings per year

The five year housing land requirement, reflecting the annual requirement of 513 dwellings per year, was 2,693 dwellings. This takes into account a 5% buffer applied for meeting the requirement of the Housing Delivery Test. The five year housing land supply for the five year period beginning 1 April 2022 was 6.4 years.

(b) 538 dwellings per year

The five year housing land requirement, reflecting the annual requirement of 538 dwellings per year, was 2,825 dwellings. This takes into account a 5% buffer applied for meeting the requirement of the Housing Delivery Test. The five year housing land supply for the five year period beginning 1 April 2022 was 6.1 years.

PQ27. What was the five year supply of specific, deliverable sites on 1 April 2022? This should be broken down into overall figures for (a) sites with full planning permission and sites with outline planning permission for fewer than 10 dwellings; (b) other specific identified sites; and (c) any windfall allowance.

²¹ NPPF 68 and 74.

²² HOU6 Appendices 1, 2 and 3.

Council response:

The five year housing land supply, based on the housing trajectory at 1 April 2022, was 6.4 years.

The table below sets out the breakdown for difference sources of land supply of specific, deliverable sites on 1 April 2022, including communal accommodation (row G), was 3,448 dwellings.

- (a) Figures in rows A & B shows category (a) sites with full planning permission and figures in row C shows sites with outline planning permission for fewer than 10 dwellings. There were 2,922 dwellings in total.
- (b) Figures in rows D & E shows category (b) other specific identified sites, which includes sites with outline planning permission for 10 or more dwellings. There were 200 dwellings in total.
- (c) Figures in row F shows category (c) any windfall allowance. There were 269 dwellings in total.

		No. of dwellings
A. Sites with full planning permission for fewer than 10 dwellings		432
- Allocated sites in the current Local Plan	5	
- Unallocated sites in the current Local Plan	427	
B. Sites with full planning permission for 10 or more dwellings		2,486
- Allocated sites in the current Local Plan	1,277	
- Unallocated sites in the current Local Plan	1,209	
C. Sites with outline permission for fewer than 10 dwellings		4
- Allocated sites in the current Local Plan	0	
- Unallocated sites in the current Local Plan	4	
D. Sites with outline permission for 10 or more dwellings		200
- Allocated sites in the current Local Plan	200	
- Unallocated sites in the current Local Plan	0	
E. Other specific identified sites (allocated sites without planning permissions)		0
F. Windfall allowance on small sites		269
G. Communal accommodation (dwelling equivalent)		57
Total deliverable sites including communal accommodation		3,448

PQ28. For each site that falls into category (b) referred to in PQ27 above, what is the Council's clear evidence that housing completions will begin in five years?

Council response:

According to NPPF's definition of deliverable²³, for sites with full planning permission and sites with outline planning permission for fewer than 10 dwellings, NPPF is clear that these should be assessed as being deliverable within 5 years unless there is specific evidence to the contrary.

For sites with outline planning permission only for 10 or more dwellings and allocated sites in the current development plan without planning permission, specific evidence is required to demonstrate that housing completions will begin on site within 5 years.

The Planning Practice Guide provides additional guidance (PPG, Paragraph 007, Reference ID: 68-007-20190722) on deliverability stating that evidence may include:

- *Current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;*
- *Firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;*
- *Firm progress with site assessment work; or*
- *Clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.*

When assessing the deliverability of sites, the Council produced a site deliverability form that was sent to agents or developers of:

- *sites proposed for allocation in the Local Plan Review;*
- *sites allocated within the current Local Plan but which are not being retained as allocations in the Local Plan Review due to development being in progress;*
- *sites with planning permission for communal accommodation (Use Class C2);*
- *unallocated sites with planning permission for 10 or more units; and*
- *sites identified through the prior approval process for 10 or more units.*

²³ NPPF Annex 2: Glossary

Responses have been used to both assess deliverability of the site and to phase dwelling completions in the housing trajectory. The completed forms as well as any email responses received are included in Appendix 3 in the Housing Background Paper ([HOU6](#)).

The Council considers the information on delivery provided by the landowner / developer as the most robust source and uses this as the starting point for considering what might reasonably be delivered within the five year period. Where necessary, the Council has adjusted the projected delivery to take account of any overly optimistic view, ensuring that the figures relied on by the Council within the five year period are as realistic as possible.

For sites that falls into category (b) other specific identified sites, which includes sites with outline planning permission only for 10 or more dwellings and allocated sites in the current development plan without planning permission, the Council considers that only 1 site is deliverable within 5 years, which is SP16 Sandford Park Newbury – East. It is an allocated site in the current development plan. Outline planning permission (planning application reference no.: 20/01238/OUTMAJ) for 1,000 units and 80 extra care housing units (C3) was allowed on appeal in May 2022. Given that the site has an outline planning permission and firm progress has been made towards submission of reserved matters including site assessment works and drafting of a planning performance agreement (planning application reference no.: 23/01562/PPA), there is clear evidence that housing completions will begin on this site within 5 years.

PQ29. Does the housing trajectory demonstrate that a supply of specific, deliverable sites sufficient to provide a minimum of five years' worth of housing against the housing requirement in the Plan will be maintained annually?

Council response:

Although the housing trajectory shows that there is a drop of projected housing supply in 2025/26 and 2026/27 below the housing requirement (513 dwellings per year), cumulatively the Council can demonstrate a supply of 6.4 years for the five year period from 1 April 2022 to March 2027²⁴. This supply forms the early part of the supply set out in the housing trajectory. The Council propose a modification to the trajectory to include the housing requirement line for the 513 figure.

This is because there were a lot of sites with full planning permissions that were under construction at 1 April 2022 and those sites were anticipated to be completed between 2022/23 and 2024/25. In 2025/26 to 2026/27 the projected housing supply relied on housing delivery from a few large sites and small site windfall allowance. Information on delivery is sought from the landowner / developer and is used as the starting point for considering lead in time and build out rate assumptions. However, it

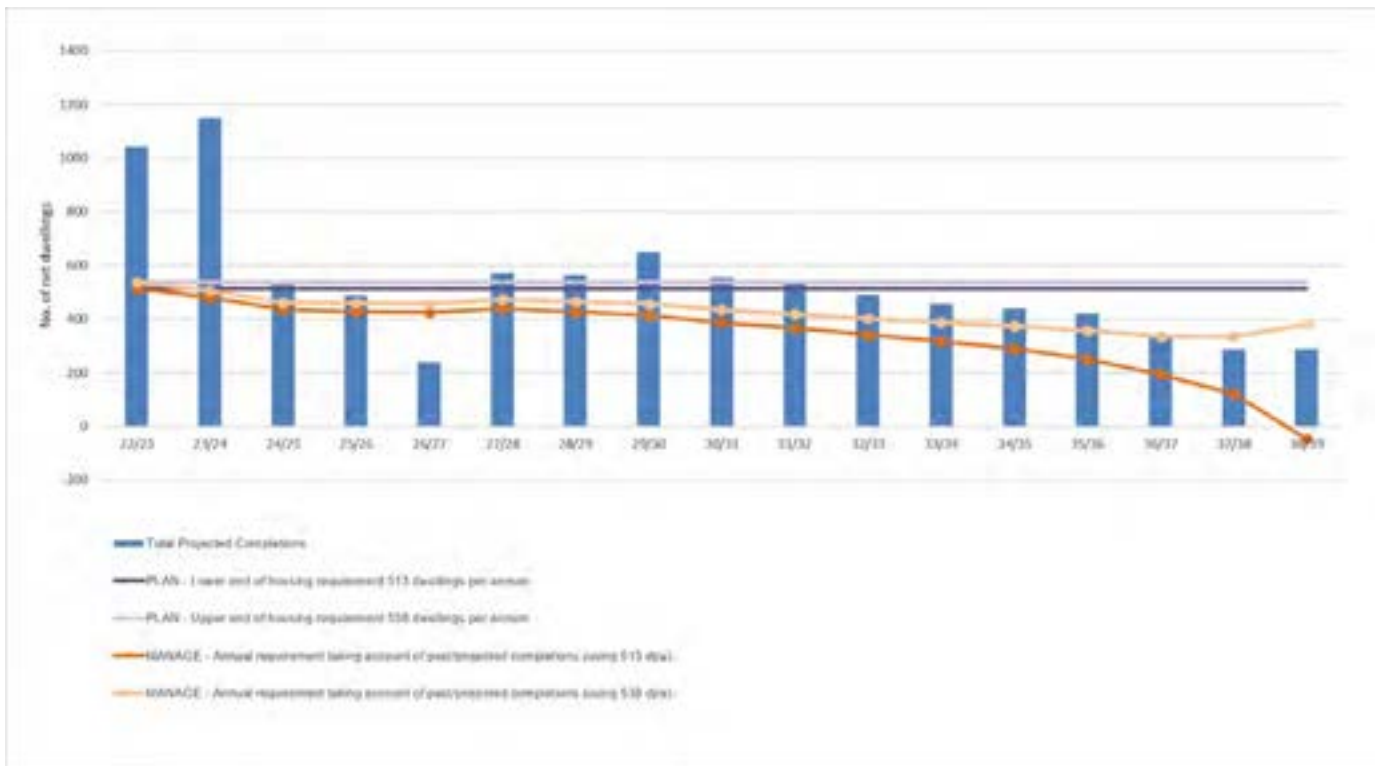
²⁴ Five Year Housing Land Supply at November 2022 (November 2022): <https://info.westberks.gov.uk/media/53681/Five-Year-Housing-Land-Supply-November-2022/pdf/Five-Year-Housing-Land-Supply-at-November-2022.pdf?m=638065405490830000>

may be possible that not all dwellings will be delivered between 2022/23 and 2024/25 and some housing completions will slip into 2025/26 and 2026/27.

The five year housing land supply assessment will be reviewed on an annual basis to ensure that the Council can maintain an ongoing five year housing land supply. In addition, the housing trajectory of future housing delivery will be adjusted as part of this work to reflect longer lead-in times and / or slower build-out rates if any.

Appendix 8 Housing Trajectory

Housing Trajectory 2022/23 – 2038/39



Major development in North Wessex Downs Area of Outstanding Natural Beauty (AONB)

Inspector:

Policy SP2 states that planning permission for major development in the AONB will be refused other than in exceptional circumstances and sets out various criteria to inform decision making for such proposals. Policy SP15 lists 10 allocations for residential development comprising 10 or more homes in the AONB (5 of which are allocations carried forward from the existing adopted plan). A total of 334 homes are proposed on those 10 sites. Chapter 5 of the Housing Background Paper²⁵ sets out what the Council considers to be the exceptional circumstances to justify allocating the 10 sites for major residential development in the AONB based on the tests set out in NPPF 177.

PQ30. Is it the intention that proposals for the development of the 10 allocations in the AONB will be required to demonstrate exceptional circumstances at the time of the planning application? Or will proposals that meet the requirements of the relevant site allocation policy, along with other relevant policies, be deemed to be in accordance with the development plan and consistent with national policy?

Council response:

The Council can confirm that it is the intention that proposals that meet the requirements of the relevant site allocation policy, along with other relevant policies, will be deemed to be in accordance with the development plan and consistent with national policy. This is because Chapter 5 of the Housing Background Paper ([HOU6](#)) sets out what it considers to be the exceptional circumstances to justify allocating the 2 sites for major residential development in the AONB based on the tests set out in NPPF 177. Similarly, the Employment Background Paper ([EMP5](#)) sets out what it considers to be the exceptional circumstances to justify allocating the 10 sites for major employment land in the AONB based on the tests set out in NPPF 177.

The Council considers that it would be helpful if this was clarified in the LPR and so proposes to add to the supporting text of Policy SP2 to make this clear as follows -

As part of the development of the LPR the Council has demonstrated the exceptional circumstances which justify allocating the sites identified in the LPR within the AONB. Therefore, proposals that meet the requirements of the relevant site allocation policy, along with other relevant policies, will be deemed to be in accordance with the development plan and consistent with national policy.

²⁵ HOU6.

Inspector: Policy SP15 sets a requirement for the Hungerford and Lambourn neighbourhood plans to identify sites for 55 and 25 homes respectively.

PQ31. Is it expected that the requirements for 55 homes in Hungerford and 25 in Lambourn will be met through major developments on sites identified in the neighbourhood plans? If so, would those neighbourhood plans be expected to demonstrate exceptional circumstances to justify the allocations and/or would this be required at the planning application stage?

Council response:

The NPPF (para 177) states that permission should be refused for major development in the AONB other than in exceptional circumstances, where it can be demonstrated that the development is in the public interest. Consideration needs to include:

- *The need for development, including in terms of any national considerations, and the impact of permitted/refusing the development on the local economy*
- *The cost of, and scope for, developing outside the AONB or meeting the need in some other way*
- *Any detrimental effect on the environment, landscape and recreational opportunities, and the extent to which that could be moderated.*

While NPPF 177 relates to the consideration of applications for development, where a local plan or a neighbourhood plan (NDP) seeks to allocate sites which would meet the definition of major development in the AONB it is considered appropriate to carry out the test as part of that process to ensure the allocation would have a reasonable prospect of being delivered.

If adopted by the Council, a NDP would form part of the development plan. The Council can therefore confirm that should any sites (either for residential and/or employment land) within the North Wessex Downs AONB be allocated for major development through the NDP process, then the relevant NDP would be expected to demonstrate the exceptional circumstances that would justify allocating those sites based on the tests set out in NPPF 177.

The Council considers that it would be helpful if this was clarified in the LPR and so proposes to add to the supporting text of Policy SP2 to make this clear as follows -

The exceptional circumstances necessary to justify the allocation of any sites for major development within NDPs will be expected to be demonstrated through individual neighbourhood plans. Proposals that meet the requirements of the relevant site allocation policy in the neighbourhood plan, along with other relevant policies in the development plan, will be deemed to be in accordance with the development plan and consistent with national policy.

Sandleford Park and North East Thatcham strategic site allocations

Inspector:

Policy SP16 allocates the Sandleford Park strategic site to the south of Newbury for a residential development comprising approximately 1,500 dwellings. Policy SP17 proposes that approximately 1,500 dwellings be completed in the plan period on the North East Thatcham strategic site.

NPPF 22 advises that where larger scale developments, including significant extensions to existing towns, form part of the strategy for the area, policies should be set within a vision that looks ahead at least 30 years to take into account the likely timescale for delivery.

**PQ32. (a) Are either of the Sandleford Park or North East Thatcham strategic sites expected to continue to be developed after 2039?
(b) If so, how many additional homes to the 1,500 referred to in the Plan are expected on the site(s) and in what timescale?**

Council response:

PQ32a) It is not currently anticipated that these sites will continue to be developed after 2039.

PQ32b) None, see response to a) above. The Housing Trajectory is included in Appendix 8 of the LPR ([CD1](#)).

PQ33. Are policies SP16 and SP17 set within a long term vision that takes into account the likely timescales for delivery of the Sandleford Park and North East Thatcham strategic sites?

Council response:

Yes, the West Berkshire Strategic Vision 2050 was published in November 2022 ([SET3](#)) and responds to the requirements of paragraph 22 in the NPPF. The Vision provides a strategic context for future development in Newbury and Thatcham over the longer-term period up to 2050 and has been used to inform the policies in the LPR.

The Council propose the following modifications to the LPR with regard to the West Berkshire Strategic Vision 2050.

*Insert additional text to the end of paragraph 4.11 to read:
Future growth for Newbury and Thatcham has been set in the context of a long-term Vision developed for both towns, ensuring growth is sustainable in the longer term.*

Amend paragraph 6.41 to read:

In reviewing the vision for Newbury as part of the LPR, ~~the town will remain a focus for development~~ the Council prepared the West Berkshire Strategic Vision 2050, which offers a clear spatial steer as to where growth in Newbury and Thatcham might go over the longer-term period up to 2050. Newbury will ~~retain~~ remain a focus for development whilst retaining its traditional market town heritage and

Insert additional text to the end of paragraph 6.42 to read:

Newbury, as part of the Newbury and Thatcham urban area, is a sustainable location for development as confirmed in the Strategic Vision 2050.

Amend paragraph 6.54 to read:

In reviewing the vision for Thatcham as part of the LPR, the Council prepared the West Berkshire Strategic Vision 2050, which offers a clear spatial steer as to where growth in Newbury and Thatcham might go over the longer-term period up to 2050. In addition, and in order to best understand how to plan for growth

Insert additional text within paragraph 6.60 to read:

.... settlement hierarchy (contained in Policy SP3). Thatcham, as part of the Newbury and Thatcham urban area, is a sustainable location for development as confirmed in the Strategic Vision 2050. The TSGS

Gypsy and Traveller Accommodation

Inspector:

National policy expects strategic policies, as a minimum, to provide for objectively assessed needs to be met including the housing needs for different groups in the community²⁶.

Table 7 in the Plan identifies a net shortfall of 30 pitches for gypsy and traveller accommodation between 2021 and 2038. Paragraph 11.29 identifies a need for 4 transit pitches to accommodate 8 caravans.

Paragraph 11.31 refers to a number of transit pitches on an existing site being converted to permanent pitches. Policy RSA24 allocates a site at New Stocks Farm, Paices Hill, Aldermaston for the replacement of 8 transit pitches with 8 permanent pitches. Paragraph 11.32 refers to a Council operated site being refurbished and having 17 pitches when it reopens. Paragraph 11.33 refers to a number of authorised small private traveller sites in the district. It is not clear how those sites, or the changes described to them, would help to address or otherwise affect the identified need for 30 additional permanent and 4 transit pitches.

Paragraph 11.35 advises that a separate development plan document will be prepared to address the longer term need for gypsy and traveller pitches and for transit sites with the intention that it will be adopted in 2027.

PQ34. How will the existing and allocated gypsy and traveller sites in the district contribute to addressing the identified shortfall of 30 pitches between 2021 and 2038 and the need for 4 additional transit pitches? How many permanent and transit pitches are expected to be required on land outside the existing authorised and allocated sites?

Council response:

Paragraphs 11.31 and 11.32 of the supporting text to Policy DM20 set out the supply position. The existing sites do not contribute to future supply, having already been counted as existing supply. The exception, as explained below is the site Four Houses Corner. However, the allocated site at New Stocks Farm at Paices Hill, as explained below, does aid in contributing to addressing the identified shortfall by the provision of 8 permanent pitches.

The table below highlights the 5 year and longer term need, and the supply of sites, as is the current position. Policy RSA24 allocates the site at New Stocks Farm, Paices Hill, replacing 8 transit pitches with 8 permanent pitches. This now has the benefit of planning permission. The Council operated site at Four Houses Corner is counted in the GTAA ([HOU3a](#) and [HOU3b](#)) as having 16 pitches. The site residents have been decanted pending refurbishment of the site, and a planning application

²⁶ NPPF 11b and 62.

has been submitted for 17 pitches. This therefore counts as an additional pitch in the supply.

Since the GTAA was refreshed in 2021 ([HOU3b](#)), an additional site was approved permission on appeal for 1 pitch. Although this is a personal consent it still meets the need of Gypsies and Travellers, and therefore also counts as an additional pitch in the supply.

Although the Council has a 5 year supply when measured against the PPTS need, there is still an overall need for 3 pitches in the short term when considered against the cultural need. Over the longer term there is a cultural need for 17 pitches, of which 11 pitches is PPTS need when applying the PPTS filter. Two Planning Inspectors for two recent appeals (land at Ermin Street, Lambourn Woodlands APP/W0340/W/22/3292939, and land at Lawrence's Lane, Thatcham APP/W0340/W/22/3292211) were content with the Council's position on supply, and agreed it had a 5 year housing land supply.

Taking the above allocations and commitments into account, in the short term, to 2025/26, there is a need for 3 permanent pitches, and in the longer term, between 2026/27 and 2037/38, there is a need for a further 17 permanent pitches. Up to 2037/38 this equates to a total of 20 permanent pitches. 4 transit pitches would be required, and no sites are identified in the Local Plan Review. The GTAA consultant does not consider the 8 transit pitches converted to 8 permanent pitches at Paices Hill would need to be replaced, as there were strict policies on the length of stay and who could stay on site, meaning they were not considered to be 'true' transit sites. Instead the Council are recommended to consider tolerated stopping places. This would be explored alongside the provision of transit sites, and the shortfall in supply of permanent sites, in the Gypsy and Traveller Accommodation Development Plan Document (GTA DPD).

For clarity it is proposed through a modification to replace Table 7 within the supporting text of DM20 with the table below as it is considered the below table provides a clearer position of the requirements versus the supply. Though supply is not static, the title would need to make clear that it is the situation as of September 2023.

Table 7 Gypsy and Traveller Accommodation Assessment Identified Need 2021/22 to 2037/38 cultural need/PPTS need. Supply as of September 2023

Table Addressing Gypsy and Traveller pitch need updated		
West Berkshire	Cultura I need	Of which PPTS NEED
5yr Authorised Pitch Shortfall (2021/22 to 2025/26) (A)	13	9
<u>Supply: Additional residential pitches (B1) – Paices Hill transit to residential</u>	<u>8</u>	<u>8</u>
<u>Supply: Additional residential pitches (B2) – Additional pitch at Four Houses Corner</u>	<u>1</u>	<u>1</u>
<u>Supply: Additional residential pitches (B3) – Additional pitch at Ermin Street, Lambourn Woodlands</u>	<u>1</u>	<u>1</u>

<u>Residual need 2021/22 to 2025/26 with additional residential pitches included in supply (C) = A-B1-B2-B3</u>	<u>3</u>	<u>-1</u>
<u>Longer-term need 2026/27 to 2037/38 (D)</u>	<u>17</u>	<u>11</u>
<u>Residual need 2021/22 to 2037/38 with additional residential pitches included in supply (E) = C+D</u>	<u>20</u>	<u>10</u>
<u>Summary</u>	<u>Cultura I need</u>	<u>Of which: PPTS NEED</u>
<u>Plan period Authorised Pitch Shortfall (2021/22 to 2037/38) (F)</u>	<u>30</u>	<u>20</u>
<u>Permanent pitches with planning permission or planned (G)</u>	<u>10</u>	<u>10</u>
<u>Residual need 2021/22 to 2037/38 after potential pitch development considered (F-G)</u>	<u>20</u>	<u>10</u>

PQ35. If the Plan does not make provision to meet in full the identified need for additional gypsy and traveller accommodation in the plan period 2022 to 2039, what is the justification?

Council response:

The Council has determined that a Gypsy and Traveller Accommodation Development Plan Document (GTA DPD) is to be prepared to seek to allocate sites to meet the longer term need, the transit pitches and/or tolerated stopping places. During the course of public consultation exercises, including a call for sites and a specific question in the Regulation 18 consultation (December 2020-February 2021) asking if any parties knew of available land for Gypsies and Travellers, no sites were promoted for Gypsy and Traveller use. Enquiries were made with the site promoter and landowners of the North East Thatcham strategic site. The site promoters could not commit to offering a site and management of a site, either for transit or permanent pitches. Enquiries were made with the owner of the New Stocks Farm site at Paices Hill to increase the provision of permanent pitches on the site, which included officers visiting the site. It was agreed that 9 pitches could be achievable, an increase on the 8 already allocated. However, due to the proximity of the site to Aldermaston Atomic Weapons Establishment, the particular vulnerabilities of living in a caravan, and as this would be an increase affecting the off-site emergency plan, this met with objection from Emergency Planning Officers. An additional pitch is planned at Four Houses Corner, as explained in the response to Question 34, and a planning application is currently pending consideration. It is unlikely that any more pitches could be accommodated on the site due to the size of the site and the number of already planned pitches.

Taking a positive approach to plan-making it was determined that rather than delay submission of the Local Plan Review a DPD would be produced, with a dedicated focused call for sites and update to the GTAA once Four Houses Corner is occupied. In the meantime there are a number of planning applications under consideration for permanent Gypsy and Traveller pitches, which may assist in meeting the residual short term need, whilst also contributing to meeting the longer term need. At the time of responding, there are six planning applications pending consideration (not including Four Houses Corner) requesting permission for 15 permanent pitches (as at September 2023).

Travelling Showpeople

Inspector:

Table 8 in the Plan identifies a need for 24 plots for travelling showpeople between 2021 and 2038. Paragraph 11.34 advises that there is currently one yard for travelling showpeople in the district and that any need that does arise can be accommodated on that yard. Policy RSA24 allocates a site at Long Copse Farm, Enborne for 24 plots.

PQ36. Does the Plan identify sufficient suitable land to allow the identified need for 24 plots for travelling showpeople to be met during the plan period?

Council response:

Yes. The site area included in the red line, is approximately 4.4ha, and rolls forward the site allocated in the Housing Site Allocations (HSA) DPD. The site was originally allocated for 20 plots, for the site area of 4.4ha, using the Showman's Guild standard of 0.22ha per plot, as was the standard used in the 2007 Travelling Showpeople Needs Study. During the course of the examination the number of plots increased to 24, to account for the longer term need. The site was not increased in area, and thus is approximately 0.19ha per plot. The agents acting for the prospective users did not comment on this change, and the HSA DPD was adopted.

Officers have seen a site plan which illustrates that 24 plots can be accommodated within the site. Each plot size would be a minimum of 100x80ft. Zippos Circus, through their agent RPS, has responded to the Regulation 19 consultation, considering that the policy will 'provide for the needs of the travelling showpeople over the Plan period. No changes are necessary'. The GTAA recommends the site at Longcopse Farm is safeguarded for Travelling Showpeople, recognising the allocation of 24 plots, and that there was no additional need for yards across the District. Thus, it is considered that the site is sufficient for the 24 plots.

Wheelchair accessible homes

Inspector:

Policy SP18 requires around 10% of new market homes to meet the wheelchair users standard M4(3). Paragraph 6.72 refers to evidence indicating a need for around 1,200 such homes. The Homebuilders Federation's representation challenges that evidence and suggests that the need is actually for around 620 homes. National planning guidance outlines the evidence required to justify such policy requirements²⁷.

PQ37. Is the requirement in policy SP18 for around 10% of new market homes to meet the wheelchair users standard M4(3) justified by adequate and proportionate evidence consistent with national policy and guidance?

Council response:

The evidence to support the requirement in Policy SP18 for around 10% of the new market housing to meet the wheelchair accessible standard M4(3) is set out in Chapter 5 of the West Berkshire Updated Housing Needs Assessment (May 2022) ([HOU5](#)).

Planning Policy Guidance (PPG) outlines that local planning authorities should take account of evidence that demonstrates a clear need for housing for people with specific housing needs and plan to meet this need (Reference ID: 56-005-20150327). It goes on to state that based on their housing needs assessment and other available datasets it will be for local planning authorities to set out how they intend to approach demonstrating the need for Requirement M4(2) (accessible and adaptable dwellings), and/or M4(3) (wheelchair user dwellings), of the Building Regulations. Local planning authorities can consider and take into account a range of official published statistics and factors, including:

- *the likely future need for housing for older and disabled people (including wheelchair user dwellings).*
- *size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes).*
- *the accessibility and adaptability of existing housing stock.*
- *how needs vary across different housing tenures.*
- *the overall impact on viability. (Reference ID: 56-007-20150327)*

The analysis set out within HOU5, under the sub-heading Wheelchair User Housing, draws on a range of secondary data sources, including the English Housing Survey (EHS) and the 2011 Census data, to estimate the number of current and future

²⁷ PPG ID: 56-007-20150327.

wheelchair users and to estimate the number of wheelchair accessible/adaptable dwellings that might be required in the future.

Table 5.11 of HOU5 identifies a need from wheelchair user households in 2021 of 1708 households, which is expected to increase to 2505 households in 2039 (an increase of 797 households). As identified in Para 5.61, of the current number of wheelchair households, some will be living in a home which is suitable for wheelchair use, others may require improvement and some will need to move to an alternative home. Based on EHS data, the modelling assumes that 25% of current wheelchair households are not living in suitable accommodation and will need to move. It thus identifies a current need for 420 households (of the total of 1708), to which the projected future need arising from the net change in wheelchair households is added.

The Policy (SP18) seeks to enhance the pool of housing which can be adapted to meet the needs of wheelchair users. The Policy requires the delivery of homes which allow adaption of the dwellings to meet the needs of occupants who are wheelchair users. It is reasonable the assessment of need for takes account of the projected need for such dwellings. Many homes within the existing stock will not be accessible for wheelchair users, and the Council does not consider that it is only appropriate to make provision for housing for 25% of the expected growth in wheelchair users. This would constrain their access to housing, and in many cases would require major work in remodelling existing stock to make it visitable. Provision of new-build housing is considered the most appropriate solution in terms of ensuring accommodation can be made fully usable and is considered to best meet the needs of wheelchair-users.

The need shown for 1216 wheelchair-user homes equates to 13% of the District's housing need, as set out in Policy SP12. This has been rounded down to a policy requirement for 10% which assumes some modest provision within the existing stock.

Affordable homes

Inspector:

Paragraph 6.78 refers to a need for 330 affordable homes per year. Policy SP19 sets out the following requirements for the provision of affordable homes in market-led development schemes:

- 20% on sites of between 5 and 9 dwellings
- 30% on brownfield sites of 10 or more dwellings
- 40% on greenfield sites of 10 or more dwellings

National planning guidance advises that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes²⁸.

PQ38. (a) Based on the housing supply identified in the Plan, approximately how many affordable homes are likely to be delivered on market-led development schemes in accordance with the requirements of policy SP19? (b) How does this relate to the number of affordable homes identified as being needed during the plan period? (c) What consideration was given to increasing the Plan's housing requirement in order to help deliver the number of affordable homes identified as being needed?

Council response:

PQ38a) Based on the housing supply identified, 2,142 affordable dwellings are expected to be delivered on market-led schemes.

If the proposed modifications are made to policy SP12 of the Plan (as pre response to PQ25) to include in the housing supply the extant permission at Land off Faraday Road / Kelvin Road (160 dwellings) then 2,190 affordable dwellings are expected to be delivered. The Council's response to PQ25 (a) provides further information on why this site is proposed to be included in the housing supply.

PQ38b) The Updated Housing Needs Evidence that was prepared by Icen in July 2022 ([HOU5](#)) shows a net affordable and social rented housing need equivalent to 330 dwellings per annum, or 5,610 dwellings over the Plan period to 2039.

Through the housing supply identified in the submitted LPR, there would be a deficit of 3,468 dwellings against the need. This deficit would reduce to 3,420 if the site mentioned in the response to 38(a) above is included.

²⁸ PPG ID: 2a-024-20190220.

However, as can be seen from the Council's response to PQ19 there is a need to extend the plan period by two additional years to cover the period to 2041. Extending the plan period to 2041 would result in an additional need of 660 affordable dwellings, increasing the overall affordable housing need from 5,610 to 6,270 dwellings.

PQ38c) The Updated Housing Needs Evidence ([HOU5](#)) highlights that despite the level of affordable housing need being high in the District, this does not suggest that the LPR housing requirement should be increased to above that suggested by the standard method.

The link between affordable and overall need is complex, and many of those picked up as having affordable housing need are already in housing, so do not generate a net additional need for a home.

In addition, most of the affordable need is already part of the demographic projections which are used to drive the standard method; therefore, any additional provision could be seen to be double counting.

In order to boost supply, the Council has sought to maximise provision through Policy SP19 and has chosen to show the housing requirement as a range. The lower end of the range is the LHN that has been calculated using the standard method, whilst the upper end of the range is the LHN with an additional 5%. The upper end of the range is the target figure.

Inspector: National policy states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set a lower threshold of 5 units or fewer). Paragraph 6.75 in the Plan seems to indicate that most, but not all, of West Berkshire is a designated rural area.

PQ39. Which parts of the District are not designated rural areas? Is the intention that the requirement for providing affordable homes on sites of between 5 and 9 dwellings would apply to those areas? If so, what is the justification?

Council response:

Under paragraph 64 of the National Planning Policy Framework (NPPF) ([NAT4](#)), the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set at a lower threshold of 5 units or fewer).

Section 157 of the Housing Act 1985 defines designated rural areas as a National Park, an Area of Outstanding Natural Beauty (AONB), and an area designated by order of the Secretary of State as a rural area.

There are no National Parks within West Berkshire, however 74% of West Berkshire lies within the North Wessex Downs AONB. The Housing (Right to Acquire or Enfranchise) (Designated Rural Areas in the South East) Order 1997 designates large parts of the remaining areas of the district as rural areas.

Figure 1 below shows the limited areas of the District which are not designated as rural areas.

Figure 1: Areas within West Berkshire not designated as rural areas



It is intended that the policy requirements set out in Policy SP19 are applied across the whole District. For clarification, amendments to supporting text paragraphs 6.75 and 6.78 are suggested below.

The approach taken within the LPR is considered to be locally justified in light of the scale of the identified affordable housing need across West Berkshire. As set out in paragraph 6.75 of the LPR, and as can be seen above, only a small proportion of the District identifies as non-designated rural areas. These areas are around the main urban areas of Newbury, Thatcham and the Eastern Urban Area. In order to maximise opportunities for increased delivery the LPR evidence tested a range of development typologies, assessing varying proportions, thresholds and tenures in order to achieve a balance between affordable housing provision and development viability. The policy requirements set out within Policy SP19 are considered to achieve that balance as supported by the viability evidence ([VIA1a-VIA1f](#)). The Council is therefore taking a positive approach to the provision of affordable housing to meet the identified need and is seeking to maximise opportunities to boost the supply across the District.

Suggested amendments to paragraphs 6.75 and 6.78 of the LPR for clarity:

6.75 The NPPF and the Planning Practice Guidance (PPG) states that affordable housing should only be sought from major development of 10 or more dwellings or on housing sites of 0.5 ha or more across the district, other than in designated rural areas. In designated rural areas local planning authorities may instead choose to set their own lower threshold in plans and seek affordable housing contributions from developments above that threshold. Designated rural areas applies to rural areas described under [section 157\(1\) of the Housing Act 1985](#), which includes National Parks and Areas of Outstanding Natural Beauty. As ~~approximately about~~ 74% of West Berkshire is within an AONB and most of the remaining parishes are designated rural areas only a small proportion on the district is classified as non-designated rural areas. ~~it is considered justified and reasonable for the Council to secure 20% affordable housing on sites of 5 or more dwellings and this is reflected in Policy SP19.~~

6.78 The latest evidence shows a high need for affordable housing across the District with a net affordable and social rented housing need equivalent to 330 dpa (2021 base date). This is a significant need for the district and a clear justification for the Council to seek affordable dwellings through new development schemes. Whilst the level of need will be kept under review the policy therefore seeks to maximise opportunities for increased affordable housing delivery with social rented dwellings being the priority affordable housing tenure. As such, Policy SP19 is to be applied district wide.

Sustainable Homes

Inspector:

The Planning and Energy Act 2008 allows local planning authorities to set energy efficiency standards in their development plan policies that exceed the energy efficiency requirements of the building regulations. However, such policies must not be inconsistent with relevant national policies for England.

National planning policy expects development to be planned for in ways that help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards²⁹.

Current national planning guidance (updated in 2019) states that development plan policies can set energy performance standards for new housing that are higher than the building regulations, but only up to the equivalent of Level 4 of the Code for Sustainable Homes (approximately 20% above former building regulations)³⁰. Current building regulations now require standards that are higher than Level 4 of the former Code for Sustainable Homes.

Policy DM4 requires all residential development to meet the following minimum standards of construction:

- Achieve the carbon Target Emission Rate set by the Future Homes Standard once this is confirmed by central government; in the meantime achieve 63% reduction in carbon emissions by on-site measures as compared to the baseline emission rate set by Building Regulations Part L 2021 (SAP 10.2).
- Equal to or less than 15kWh/m²/year space heat demand target, evidenced by the Building Regulations Part L SAP Fabric Energy Efficiency metric.

Policy DM4 goes on to state that all residential development should include onsite renewable, zero and low carbon energy technologies to achieve net zero carbon operational energy (regulated and unregulated) on site, or it will be required to address any residual carbon emissions by a cash in lieu contribution.

PQ40. (a) Are the requirements relating to energy efficiency, space heat demand, net zero carbon operational energy, and carbon offsetting for all residential development consistent with national policy?
(b) If not, which parts are inconsistent and what is the justification for setting different requirements in West Berkshire?

Council response:

Responses to PQ 40 (a) and (b) are grouped together to avoid repetition as key points apply to both parts of the question.

²⁹ NPPF 154b.

³⁰ PPG ID: 6-012-20190315.

All requirements of Policy DM4 are consistent with national policy and specifically comply with the Planning and Energy Act 2008. Although Policy DM4 requires an improvement against the baseline of the current Part L 2021 standards, it has been made clear by Government that local authorities retain the power to require energy standards that exceed those set by Building Regulations.

As early as 2018, the Government confirmed that “To clarify, the [National Planning Policy] Framework does not prevent local authorities from using their existing powers under the Planning and Energy Act 2008 or other legislation where applicable to set higher ambition. In particular, local authorities are not restricted in their ability to require energy efficiency standards above Building Regulations.” (See [NPPF Consultation Response](#), Page 48).

This was reconfirmed in the [Future Homes Standard \(report of consultation and government response; January 2021\)](#):

2.33 At present, local planning authorities may include policies in their local plans which require developers to comply with energy efficiency standards for new homes **that exceed the minimum requirements of the Building Regulations.**

2.40 ... To provide some certainty in the immediate term, the **Government will not amend the Planning and Energy Act 2008**, which means that local planning authorities will **retain powers to set local energy efficiency standards** for new homes.

Local authorities’ continued power to set higher energy standards after the introduction of the new Part L 2021 was reconfirmed in a 2022 letter from the Department of Levelling Up, Housing and Communities to Bath & North East Somerset in regard to the Council’s Local Plan Partial Update ([see paragraph 1.5](#)).

Government’s response to the Future Homes Standard also stated:

2.35 ... While some local planning authorities are unclear about what powers they have to set their own energy efficiency standards and have not done so, others have continued to **set their own energy performance standards which go beyond the Building Regulations minimum and in some cases beyond the Code for Sustainable Homes.**

This acknowledges the fact that a large number of local authorities have already had similar, and more stringent, policies to DM4 adopted following examination. Such decisions have been made following debates around the Paragraph 12 of the National Planning Practice Guidance and 2015 Written Ministerial Statement (WMS), both of which are assessed in the following paragraphs.

Current Building Regulations (Part L 2021) exceeds standards set out under the now redundant Code for Sustainable Homes (CfSH) Level 4, which was set as a limit in Paragraph 12 of the NPPG to local authorities in 2019. This guidance text is now invalid when compared to more recent Government policy statements as noted above. High Court judgement (*R (Solo Retail) v Torridge DC* [2019] EWHC 489 (Admin) [33]-[34]) confirmed that the NPPG is guidance and not policy. Therefore,

NPPG text referring to CfSH Level 4 is not part of the soundness test of consistency with national planning policy, as set out under paragraph 35 of the NPPF. By contrast, the FHS Consultation Response (in which local authorities' power to go further was confirmed) does form the Government's official policy for the uplift to Building Regulations ([Written Ministerial Statement, 15 December 2021](#)).

The NPPG text flows from a [2015 WMS](#) that referred to a CfSH Level 4 limit in context of the then-current Government policy. However, this WMS2015 was made in relation to an amendment to the [Planning and Energy Act 2008](#) (enabled by the [Deregulation Act 2015](#) Section 43) that was never enacted. The 2015 WMS specifically stated that:

*"Until the amendment is commenced, we would **expect** local planning authorities to take this statement of the Government's intention into account in applying **existing policies** and not set **conditions** with requirements above a Code level 4 equivalent."*

One of two key elements of this text in relation to DM4 is that the limit of CfSH Level 4 standards is an expectation and not a requirement. Additionally, the WMS2015 limit only applies to conditions flowing from existing local plan policies at that time, and clearly does not refer to newly introduced local plan policies and therefore does not apply to Policy DM4.

Nonetheless, it is abundantly clear that the NPPG text and 2015 WMS has been overtaken by more recent events and government policy statements, since:

- The Government's own national technical standards under Part L 2021 exceed CfSH Level 4 requirements.
- The June 2019 update to the Climate Change Act to include a national net zero carbon target for 2050; the NPPG text (March 2019) and WMS(2015) occurred prior to that and therefore do not reflect the necessary sectoral changes to hit the current 2050 net zero carbon legally binding goal.

Policy DM4's requirements around energy efficiency, space heat demand, net zero carbon operational energy, and carbon offsetting have been designed to pursue the levels of performance necessary to hit national carbon targets, to the greatest extent possible while using the national technical standards used in national policy. It is consistent with Part L 2021 and Future Homes Standard in that:

- The main targets of DM4 are expressed using Part L metrics calculated with the Standard Assessment Procedure (SAP): Target Emission Rate (TER) and Fabric Energy Efficiency (FEE). This accords with the powers granted by the Planning and Energy Act to use standards that are nationally endorsed.
- The energy calculations required by DM4 can be performed with SAP, or for more accuracy the applicant can use a calculation named 'TM54' which is also newly nationally endorsed in Part L 2021 for non-residential buildings.
- The minimum on-site carbon-saving requirement of Policy DM4 reflects the Target Emission Rate of the Future Homes Standard (as per indicative spec in

the FHS Consultation Response) and therefore stay consistent with national policy.

At a wider scale, the National Planning Policy Framework states that new development must be planned to achieve radical greenhouse gas emissions reductions in line with the Climate Change Act 2008, which subsequently must align to the UK's carbon budgets to 2050. This requires that plans must therefore accord with national targets of 78% carbon reduction by 2035 and net zero by 2050 (and the five-yearly carbon budgets that are periodically devised by the Committee on Climate Change [CCC] and legislated by Parliament under the aegis of the Climate Change Act 2008). Committee on Climate Change analysis of the 'Balanced Pathway to Net Zero' [found](#) that all new build homes must have very low space heat demand, and ideally be net zero carbon, from no later than 2025, in order for the buildings sector to play its necessary part in the 2035 and 2050 carbon budgets.

The net zero carbon requirements of Policy DM4 are required in order to be consistent with national policy and are therefore justified. DM4's requirements are specifically set to deliver necessary changes to achieve national climate policies, as follows:

- DM4's 15kWh/m²/year space heat demand target (using SAP TFE metric) and requirement for total net zero carbon status on site are set at the level [analysed](#) to be necessary for new builds to play their role in the UK's carbon targets. The [Local Plan Review Climate Change report](#) refers to evidence demonstrating that this is feasible from other emerging local plans' evidence base.*
- DM4's renewable energy requirement fulfils the CCC advice that all new build homes be net zero carbon, and drives forward the renewable energy necessary for the UK's carbon goals (see [Sixth Carbon Budget](#), Chapter 4: Electricity) while, by seeking for its delivery at development sites, avoids the need for consumption of more land solely for renewables and thus supports the NPPF [\[paragraph 124\]](#) efficient use of land.*
- As some development (e.g. high-rise flats) may find it more challenging to achieve DM4's on-site renewable energy standard, DM4 also allows for carbon offsetting at a price that matches the nationally determined financial value per tonne of carbon (see Local Plan Review paragraph 10.30), which in turn Government calculates as the cost of abatement of all carbon savings for the UK's carbon goals. The carbon offset calculation also allows the applicant to take into account the Government's national predictions of future grid carbon reductions that will occur over the lifetime of the development.*
- The above points in turn accord with the Planning and Energy Act stipulation that the local requirements for energy efficiency and renewable energy should be 'reasonable'.*

Need for industrial and warehouse development

Inspector:

Paragraph 7.8 refers to an identified need for a minimum of around 91,000 sqm of industrial floorspace (around 23 hectares of land) to 2039. Paragraph 7.13 refers to demand for larger B8 distribution and logistics uses particularly at motorway junctions. Paragraph 7.9 indicates that the sites allocated in the Plan for employment development (listed in policy SP21) will go some way to meeting the identified need for employment floorspace although there remains a shortfall due to a lack of suitable available sites.

PQ41. In total, how much net additional industrial and warehouse floorspace is expected to be provided on
(a) the employment allocations listed in policy SP21 and
(b) designated employment areas, other existing employment sites and any other land?
© What is the overall shortfall expected to be against the identified need for a minimum of around 91,000 sqm of floorspace?

Council response:

PQ41a) Table 3 of the Employment Background Paper ([EMP5](#)) identifies the employment sites allocated in Policy SP21 of the LPR and provides details of the expected floorspace (and land in ha) to be delivered.

Policy no. / HELAA ref.	Site name	Site areas (ha)	Developable area (ha)	Land supply (sqm)
<i>Policy ESA1 (MID5)</i>	<i>Land east of Colthrop Industrial Estate, Thatcham</i>	5.1	5.1	20,400
<i>Policy ESA3 (LAM10)</i>	<i>Land to the south of Trinity Grain, Membury Industrial Estate, Lambourn</i>	2.2	1.3	5,200
<i>Policy ESA4 (part BEEN3 & part BEEN5 – combined site)</i>	<i>Beenham Landfill, Pips Way, Beenham</i>	3.5	3.5	14,000
<i>Policy ESA5 (BEEN10)</i>	<i>Northway Porsche, Grange Lane, Beenham</i>	2.7	1.6	6,400

Policy ESA6 (PAD4)	Land adjacent to Padworth IMF, Padworth Lane, Padworth	3.1	3.1	12,400
Total		16.6	14.6	58,400
Policy ESA2 (LAM6)	Land west of Ramsbury Road, Membury Industrial Estate, Lambourn	6.9	4.4	10,381

Overall, the allocations listed in Policy SP21 provide an additional 68,781 sqm of industrial and warehouse floorspace. However, as outlined within EMP5, the site allocated in Policy ESA2, Land west of Ramsbury Road, Membury Industrial Estate (LAM6), has planning permission which is already counted within the committed supply and therefore cannot be counted as an additional contribution to meeting the employment land requirement. Whilst the site remains an allocation, the associated supply is removed from the above figure to avoid double counting, resulting in a total supply from the identified allocations of 58,400 sqm (14.6 ha of developable land).

The above figures are correct as of September 2023, and may be subject to change once the monitoring of planning commitments 2022/2023 is completed and taken into consideration.

PQ41b) The policies within the LPR promote the redevelopment and regeneration of existing sites and premises for business uses, including the District's DEAs, to boost supply and assist in meeting the needs of the District, allowing businesses to expand, attract inward investment and respond to modern business requirements.

The Employment Land Review 2020 ([EMP3](#)) and the Addendum 2022 ([EMP4](#)) assess existing employment sites and DEA's, considering opportunities for expansion, redevelopment, intensification, and any undeveloped parcels of land where additional provision could come forward. Site assessments are set out in Appendix C of EMP4. This work found that some of the existing estates are relatively low density and provide opportunities for redevelopment/intensification of business uses. Most sites have no opportunities for expansion beyond those considered through the [Housing and Economic Land Availability Assessment \(HELAA\)](#), and therefore the opportunity for additional floorspace in these areas is largely restricted to intensification through redevelopment.

Whilst opportunities for redevelopment and regeneration exist, and over the plan period the redevelopment of stock, enabling a more efficient use of space and the provision of greater levels of floorspace, particularly in DEAs is likely, it is difficult to say or quantify such floorspace with any degree of certainty without knowing landowners/developers intentions. Therefore, no quantifiable figure for the intensification of existing stock has been applied to the supply.

With regards to the London Road Industrial Estate (LRIE), paragraph 7.10 of the LPR outlines that there is potential in the later part of the plan period for additional provision on the LRIE, now renamed Bond Riverside. As set out within the LPR, the Council own land within the London Road Industrial Estates DEA, which has scope, subject to overcoming other policy constraints, for regeneration and the intensification of employment uses to maximise the potential of the site, which at present is not optimum and does not provide an attractive environment for modern day use. The Council's Executive agreed a new approach for the site in June 2022, which focuses on job creation, attracting investment to Newbury and achieving carbon neutrality. A comprehensive strategy for the delivery of regeneration on the Council owned land within and adjacent to the DEA is underway, and whilst there is potential to deliver additional employment provision in this location, until this work is completed the scale of the provision cannot be fully determined. As such, the LPR recognises the opportunity the site provides in contributing to the supply in the later part of the plan period, however until the place-making strategy for the site is complete and more certainty can be provided on development potential the LPR does not include any additional floorspace in this location within the supply.

PQ41c) The expected shortfall is set out in Table 4 of [EMP5](#).

Table 4 depicts the employment land requirement (91,109sqm) against the identified supply, which is made up of the site allocations listed in Policy SP21 (58,400sqm), and highlights an overall shortfall of industrial and warehouse floorspace over the plan period of 32,709sqm.

	<i>Requirement (sqm)</i>	<i>Identified supply (sqm) (without ESA 2 / LAM6)</i>	<i>Shortfall (sqm)</i>
<i>Industrial and warehouse (Egiii / B2 / B8)</i>	91,109	58,400	32,709

The above figures are correct as of September 2023, and may be subject to change once the monitoring of planning commitments 2022/2023 is completed and taken into consideration.

Office development

Inspector:

NPPF 87 expects office developments to be located in town centres, then in edge of centre locations, and only if suitable sites are not available on out of centre sites. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are neither in an existing centre nor in accordance with an up to date local plan³¹.

Paragraph 7.4 in the Plan refers to an identified need for a net increase in office floorspace of around 51,000 sqm to 2039. Paragraph 7.7 refers to a lack of suitable sites for office developments and little to no viability in the market. The approach in the Plan is therefore to safeguard existing office space (policies SP20 and DM32); promote offices on redevelopment sites within and on the edge of town centres (policy SP22); and support office developments on relevant allocated sites, in designated employment areas, suitably located employment sites and suitable sites within settlement boundaries (policy SP20). Policy DM32 states that new office proposals within a designated employment area will not be required to satisfy the sequential test.

PQ42. What is the “identified shortfall in supply” of office floorspace (referred to in paragraph 7.7?)

Council response:

Table 4 of [EMP5](#) sets out the employment land requirement (50,816sqm) against the identified supply (0sqm), and highlights a shortfall of office floorspace over the plan period of 50,816sqm. As no suitable and available sites for office development have been identified within the LPR, the shortfall is 100% of the requirement.

	Requirement sqm)	Identified supply (sqm)	Shortfall (sqm)
Office (Egi / ii)	50,816	0	50,816

The above figures are correct as of September 2023, and may be subject to change once the monitoring of planning commitments 2022/2023 is completed and taken into consideration.

³¹ NPPF 87

PQ43. Is the approach in policies SP20 and DM32 to office developments outside town centres consistent with national policy? If not, what is the justification?

Council response:

The NPPF makes clear that main town centre uses, as defined in [Annex 2 Glossary](#), which includes offices, should be located in town centres. The NPPF and PPG set out that a sequential approach to the location of such uses should be used to guide main town centre uses towards town centre locations in the first instance. Town and district centres are important employment and commercial locations, and this approach is seen as an important tool in supporting the vitality and viability of existing centres.

The LPR seeks to direct proposals for office floorspace to town and district centres and DEA's, supporting existing and new businesses through redevelopment and regeneration of premises and making more efficient use of land.

The LPR, through Policy SP22, promotes a sequential approach and directs main town centre uses (including retail, leisure, cultural and office development) to town and district centres first, followed by edge of centre and then out of centre sites. In addition, in order to provide flexibility and boost the supply of offices, Policy SP20 and DM32 do not require proposals for office floorspace within DEA's to satisfy the sequential approach and as such, office development within the Designated Employment Areas will be considered acceptable. DEA's are established locations across the District designated for business uses/development, providing a variety of sites and premises to promote sustainable economic growth. These areas host a diverse range of businesses, provide considerable job opportunities and contribute significantly to the supply of employment land across West Berkshire. The redevelopment and regeneration of land within these locations is likely to be an important source of supply in meeting the identified office need over the plan period.

Given the nature of centres within the district, the scope to deliver larger scale office developments within these centres is limited and likely to be out of keeping with the surrounding built environment. Therefore, to encourage a supply of offices within existing centres, Policy SP22 also supports redevelopment/regeneration proposals within town and district centres that provide a net additional contribution to office space.

The approach set out within the LPR is considered to be locally justified in light of the scale of the identified need for office space over the plan period and the lack of available sites. The Council is therefore taking a positive policy approach to boosting the supply of office provision by encouraging office development within town and district centres, but also within established DEA's where the majority of the district's business development exists, providing opportunities for clusters and/or networks of knowledge and data driven, creative or high technology industries. This approach seeks to enable a rapid response to changes in economic circumstances, as required by national policy (NPPF, para 82d), should the office market improve within the lifetime of the Plan.

Appendix 6: How policies are applied in a neighbourhood planning context

PQ44. (a) What is the purpose of including the information in Appendix 6 in the Plan? (b) Is it entirely consistent with relevant legislation and national policy and guidance?

Council response:

PQ44a) The purpose of such information was to provide information to Qualifying Bodies and decision takers on the weight of neighbourhood plans in the decision-making process, the implications of not being able to demonstrate a 5-year housing land supply, in addition to a brief overview of neighbourhood plans.

PQ45b) Section 19 of the Planning and Compulsory Planning Act 2004 sets out the specific matters that local planning authorities must have regard to when preparing a plan. These include amongst others, strategic priorities for the development and use of land and policies to address these priorities. Section 19 does not cover how local plan policies are applied in a neighbourhood planning context.

Regulation 10 of the Town and Country Planning (Local Planning) (England) regulation 2012 sets out what additional matters LPAs must have regard to when preparing a local plan. Chapter 3 of the National Planning Policy Framework (NPPF) has regard to plan-making, whilst Planning Practice Guidance includes a section (Paragraph: 002 Reference ID: 61-002-20190315) on what a local plan should look like. These also do not cover how local plan policies are applied in a neighbourhood planning context.

Whilst Appendix 6 was included for information purposes, it is accepted that such an appendix is inconsistent with legislation. The Council will therefore propose a modification to delete Appendix 6.

The Council's neighbourhood planning resources webpage, which is kept under review and updated as appropriate, includes information that was included in Appendix 6: <https://www.westberks.gov.uk/npresources>.

Appendix 9: Glossary

PQ45. Are all of the definitions in the Plan's Glossary consistent with those in NPPF Annex 2? Please identify any definitions that are different.

Council response:

The Council can confirm that, as a general rule, where terms in the Glossary are also defined in the NPPF, that the same definition has been used. In some instances, additional information has also been provided to highlight how the term is used in the context of West Berkshire.

In most cases the wording of definition is identical, but for consistency, there are three terms which could usefully be clarified as follows:

Development Plan - Is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made together with any regional strategy policies that remain in force. been Neighbourhood plans that have been approved at referendum are also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be made.

*Local Housing Need – ~~An unconstrained assessment of the number of homes needed in an area, and the first step in the process of deciding how many homes should be planned for. The standard method of assessing LHN is set out in the Planning Practice Guidance in a formula which takes account of household growth projections and affordability in the local area.~~
The number of homes identified as being needed through the application of the standard method set out in national planning guidance (or, in the context of preparing strategic policies only, this may be calculated using a justified alternative approach as provided for in paragraph 61 of this Framework).*

*Planning Condition - A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) ~~(as amended).~~
or a condition included in a Local Development Order or Neighbourhood Development Order.*

The Council proposes to make these amendments as minor modifications.

The Glossary also contains a number of other terms used with the LPR but which are not included in the NPPF Annex 2. Definitions for these terms have been obtained or created using information from other sources.

Strategic and local road networks

Inspector:

National policy advises that development should only be prevented if it would have an unacceptable impact on highway safety or the residual cumulative impacts on the strategic road network would be severe. Local plans should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to any acceptable degree³².

National Highways representation³³ suggests that the transport evidence is not sufficiently developed to demonstrate that the Plan is sound with regard to impacts on the strategic road network (M4 and A34) and identification of any necessary mitigations that would have a reasonable prospect of delivery within the relevant timescales. Furthermore, a number of specific substantive issues are identified with the transport modelling undertaken. A number of steps are suggested to address the concerns raised. The Duty to Cooperate Statement indicates that the Council is working towards a statement of common ground with National Highways³⁴.

Hampshire County Council's representation³⁵ raises concerns about the impact the development proposed in the Plan, including the 1,500 homes on the Sandleford strategic site (policy SP16), could have on the A339. They suggest that any evidence provided about the provision of access to the A339 should consider wider strategic routes including the A34.

Network Rail's representation³⁶ advises that development of the North East Thatcham strategic site (policy SP17) will lead to increased use of the Thatcham level crossing where the barriers are down for 50% of the time and peak period queues form on both sides of the railway. They suggest that a viability assessment be carried out which includes a road bridge to replace the level crossing to ensure that the required infrastructure is provided to mitigate the impact of the development.

PQ46. Could the Council:

- (a) Advise if any further work relating to the impact of the Plan on the strategic and local road networks may be necessary and, if so, what that work would be and the date by which it is expected to be completed.**
- (b) Indicate a date by which a statement of common ground may be agreed with National Highways.**
- (c) Advise on any actions being taken to address the concerns raised by Hampshire County Council about the potential impacts on the A339.**
- (d) Advise on any actions being taken to address the concerns raised by Network Rail about the Thatcham level crossing.**

³² NPPF 110 and 111.

³³ Email 3 March 2023.

³⁴ CD11 March 2023.

³⁵ Letter 3 March 2023.

³⁶ Letter 28 February 2023.

Council response:

PQ46a) Work has taken place to address the concerns expressed by National Highways. Some of this information has been shared with them. In addition, SRN junction plots have been included as requested and the plotting of Local Plan traffic through these junctions have been included in an updated Forecasting Report.

PQ46b) The remaining additional work is being shared and discussed with National Highways with a view to working towards a statement of common ground. The date by which we anticipate this happening will need to be confirmed following further liaison with NH.

PQ46c) The Council has been undertaking a joint study programme focused on the A339 between Basingstoke and Newbury. As part of this study the proposed significant developments close to Basingstoke and Newbury towns have been taken into account. This includes the allocated 1,500 homes at Sandleford, Newbury and the 3,520 homes at Manydown, Basingstoke. The work on this phased study of the A339 has been undertaken jointly with Hampshire County Council.

In addition, as with all strategic sites, the access arrangements for the Sandleford housing development have sought to ensure that there is not only good access to the local routes that future residents will seek to use by all modes (walking, cycling, public transport and private car) but that the access to the Strategic Road Network (in this case the A34 linking with the M4 and M3 further afield) is also easy and quick enabling more strategic journeys to be taken without adding undue pressure to local roads.

PQ46d) WBC has reached out to Network Rail to seek an opportunity to discuss feasibility work that has taken place in relation to options for Thatcham Level Crossing. The modelling has been used to draw out specific outputs for this area around the level crossing with a view to these informing further discussion with Network Rail. Discussions will seek to reach an agreed position between NR and WBC as soon as possible.

Denison Barracks and RAF Welford

Inspector:

National policy expects planning policies to recognise and support development required for operational defence and security purposes and ensure that operational sites are not affected adversely by the impact of other development proposed in the area³⁷.

The Defence Infrastructure Organisation representation³⁸ advises that in addition to AWE Aldermaston and AWE Burghfield, which are subject to specific policies in the Plan, there are operational sites at Denison Barracks and RAF Welford. They suggest that to be effective and consistent with national policy, an additional policy should be included in the Plan relating to development within those operational sites and to non-defence related development nearby.

PQ47. Does the submitted Plan contain unambiguous policies so it is evident how a decision maker should react to development proposals within and in the vicinity of the operational sites at Denison Barracks and RAF Welford? If not, would the modification proposed by the Defence Infrastructure Organisation ensure that the Plan is sound?

Council response:

The policies within the Plan should be read as a whole, and the Council consider it is clear to a decision maker how development within and within the vicinity of the operational sites at Denison Barracks and RAF Welford should be considered. Both Denison Barracks and RAF Welford are previously developed sites within the AONB, therefore specific policies relating to such development proposals would include SP1 Spatial Strategy, SP2 North Wessex Downs AONB, DM1 Development in the Countryside and DM35 Sustaining a Prosperous Rural Economy. It may be that if there are specific development plans or opportunities on either site, that this is best dealt with through the preparation of a development brief or similar. The Council does not consider that there is a need for an additional policy as proposed by the Defence Infrastructure Organisation.

³⁷ NPPF 97.

³⁸ Letter 3 March 2023

Environment Agency and Thames Water

Inspector:

The Environment Agency's representations³⁹ suggest that modifications to various policies in the Plan, including SP1, SP5, SP7, SP11, DM5, DM6, DM20, DM24, DM25, DM28, DM29 and DM37 as well as some site allocation policies, are required to ensure that they are sound. They also suggest that the Plan should include an additional policy specifically relating to watercourses.

Thames Water's representations⁴⁰ suggest that modifications to policies SP6 and DM7 and site allocation policies are required to ensure that they are sound.

PQ48. For each policy that Environment Agency and Thames Water refer to, does the Council agree that modifications are essential to ensure soundness or legal compliance? If not, please indicate how the issue raised can be satisfactorily addressed by other policies in the Plan, national planning policy, and/or other means such as national guidance or legislation.

Council response:

The Council considers some amendments to the LPR could usefully be made in response to comments from the Environment Agency and Thames Water, and it will continue to work with each respective agency to progress the modifications required. Once agreed, the Council will submit the complete response together with any agreed modifications.

³⁹ Representation forms dated 2 and 3 March 2023

⁴⁰ Letter and representation forms dated 28 February 2023

Historic England

Inspector:

Historic England's representation⁴¹ suggests that modifications are required to policy SP9 and associated reasoned justification and policies SP17 and RSA22. They also suggest that allocations RSA2 and RSA17 are not sound as they are not based on proportionate evidence relating to the historic environment.

PQ49. (a) Does the Council agree with Historic England that modifications to policies SP9, SP17 and RSA22 are essential to ensure soundness? If not, please indicate how the issues raised can be satisfactorily addressed by other policies in the Plan, national planning policy, and/or other means such as national guidance or legislation.

(b) Does the Council agree that a more detailed heritage impact assessment is required to justify allocations RSA2 and RSA17? If not, why not (and are any modifications required to the wording of those policies to ensure that they are effective with regard to heritage assets)?

Council response:

PQ49a) Council officers had a positive and constructive meeting with Historic England on 1st August 2023 to discuss its comments and to begin work on a Statement of Common Ground (SoCG) which will deal with all of the issues raised. This is still in draft form and will be submitted as part of the examination once finalised and agreed.

As far as policies SP9, SP17 and RSA22 are concerned, taking each in turn:

Policy SP9 Historic Environment

The Council agrees that references to 'enabling development' should be removed, appreciating that its inclusion would make such development policy compliant and therefore in conflict with the NPPF.

It is also agreed that in recognition of the role Conservation Area Appraisals (CAAs) play in the Council's strategic approach to the historic environment, it would be helpful to move references to CAAs and Management Plans from Policy DM9 to Policy SP9.

Policy SP17 North East Thatcham.

The Council agrees that the policy would be strengthened with the inclusion of the suggested wording from Historic England, as follows:

⁴¹ Letter 3 March 2023

- *'A Historic Environment Strategy to demonstrate how the site's historical development, archaeological remains and historic buildings and parkland will inform the scheme and help to create a sense of place. It should:
i. be informed by proportionate heritage impact assessment, desk-based archaeological assessment and, if needed, field evaluation; and
ii. articulate how the proposed scheme would support an appropriate future use of the Listed Buildings in the area and minimise harm to their significance (including demonstrating listed buildings in the area will be conserved and how the impact of the development on their settings has been considered).'*

Policy RSA22 Land adjacent Station Road, Hermitage

The Council agrees that the policy would be strengthened with the inclusion of the suggested wording from Historic England as follows:

k) 'A Heritage Impact Assessment will be required due to the presence of non-designated heritage assets and the nearby Scheduled Monument (Grimsbury Castle)

The development will be informed by a desk-based archaeological assessment followed by field evaluation if necessary.'

PQ49b) Policy RSA2 Land at Bath Road, Speen.

The allocation is proposed to be carried forward from the Housing Site Allocations Development Plan Document (HSA DPD). The Inspector for the HSA DPD was satisfied that the allocation of the site was justified with modifications. One of the modifications was to amend the text to refer to the need to fully consider the heritage setting of the site and to afford protection to the Speen Conservation Area. Thus, criteria b), d), and j) included reference to the historic environment, as expressed in proposed policy RSA2.

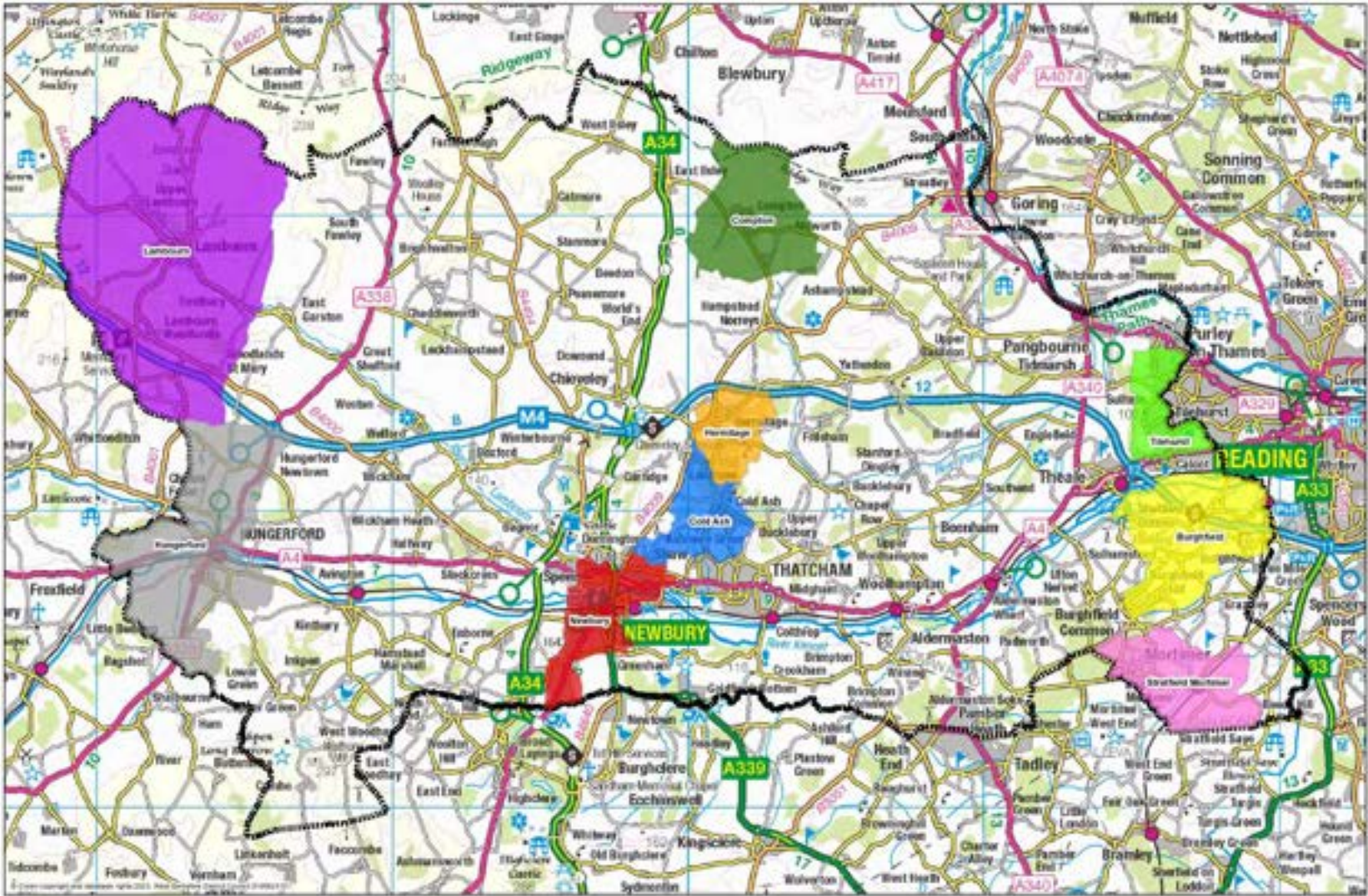
At the meeting with Historic England it was agreed that the policy could be amended to better highlight the particular sensitivities of the Speen Conservation Area to ensure development on the site enhances or better reveals its significance. It is both parties' intention to agree proposed amendments to the policy as part of the Statement of Common Ground.

The site already benefits from outline planning permission, with Reserved Matters currently being considered by the Council.

Policy RSA17 Land at Chieveley Glebe, Chieveley.

At the meeting with Historic England it was agreed that the Council would consider clarifying and undertaking further work as necessary to inform the policy. It is both parties' intention to agree proposed amendments to the policy as part of the Statement of Common Ground.

PQ14 b Designated Neighbourhood Areas



Annex 2

PQ16 How the housing requirement was identified for each designated Neighbourhood Area

Designated Neighbourhood Area	Housing requirement in Reg 18 emerging draft LPR	Housing requirement in Reg 19 Proposed Submission LPR	Justification
Burghfield	0	0	<p>Burghfield Parish falls within the 2019 Detailed Emergency Planning Zone (DEPZ) for the Atomic Weapons Establishment (AWE) at Burghfield. Any new development within the DEPZ that leads to an increase in the residential population could impact upon the off-site emergency plan. Including a housing requirement for the Neighbourhood Area would therefore be unsuitable.</p>
Compton	0	0	<p>Compton is identified as a Service Village within the settlement hierarchy meaning that it has a limited range of services and has some limited development potential.</p> <p>There is an allocation within the Housing Site Allocations Development Plan Document (HSA DPD) for 140 dwellings on the site of the former Pirbright site, and the Core Strategy Inspector's report identified that the site could provide a higher level of growth than is normally expected in a service village. Development at the former Pirbright site is still outstanding, however outline planning permission for 160 dwellings has been granted permission. The allocation at the Pirbright site has been retained within the Local Plan Review (LPR).</p> <p>Whilst the HELAA identifies two sites that have potential, it was considered that due to the scale of development that is to take place at the Pirbright site, there should be no further allocations within Compton in the LPR period. This is particularly so because Compton is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB), a nationally important and legally protected landscape. The National Planning Policy Framework (NPPF) is clear that great weight should be given to conserving landscape and scenic beauty in AONBs. In addition, although close to the A34 and M4, local roads are rural in nature and not suitable for heavy traffic.</p> <p>It is recognised that windfall development may come forward over the plan period.</p>

Designated Neighbourhood Area	Housing requirement in Reg 18 emerging draft LPR	Housing requirement in Reg 19 Proposed Submission LPR	Justification
Cold Ash	40	0	<p>The Parish of Cold Ash contains the village of Cold Ash, the hamlet of Ashmore Green, and small parts of the towns of Newbury and Thatcham. Cold Ash village is identified as a Service Village within the settlement hierarchy meaning that it has a limited range of services and has some limited development potential. Ashmore Green is not included within the settlement hierarchy and is instead a 'smaller village with a settlement boundaries' therefore only suitable for limited infill development subject to the character and form of the settlement. Newbury and Thatcham are both identified as 'Urban Areas' because of the wide range of services they offer and subsequently both will be the focus for the majority of development.</p> <p>Cold Ash sits on the southern edge of the North Wessex Downs AONB. Much of the village is just outside of the boundary, however the houses to the north and east of The Ridge are within the boundary. The AONB is a nationally important and legally protected landscape and the NPPF is clear that great weight should be given to conserving landscape and scenic beauty in AONBs. Within the HSA DPD there are three allocated sites in Cold Ash Parish for a total of between 90-100 dwellings (Land at Coley Farm, Land at Poplar Farm, and St. Gabriel's Farm). The development at St. Gabriel's Farm is now complete, whilst development at Coley Farm is yet to commence. The allocation Land at Poplar Farm will not be retained as an allocation in the LPR due to viability issues.</p> <p>The February 2020 HELAA identified five sites as having potential. Taking the development potential of these sites into consideration alongside the placing of the towns/villages in Cold Ash parish within the settlement hierarchy, existing allocations, as well as the AONB, it was considered that a housing requirement of 40 dwellings would be appropriate.</p> <p>In respect of HELAA site CA15, the eastern site parcel falls within Cold Ash Parish and the western parcel within Shaw-Cum-Donnington Parish. The Council's Highways Team have identified that for this site as well as site SCD4, the provision of a through route from the B4000 to the A339 is required. This site along with SCD4 will only be supported by Highways if this</p>

Designated Neighbourhood Area	Housing requirement in Reg 18 emerging draft LPR	Housing requirement in Reg 19 Proposed Submission LPR	Justification
			<p>is provided. Combined sites CA15 and SCD4 are of a strategic scale. It is for the local planning authority to plan for strategic sites.</p> <p>The information published in the HELAA was at a point in time. As work progressed on the LPR and more evidence was gathered, some of the development opportunities have changed. In the case of Cold Ash, the steering group found through site selection work that they were unable to allocate the housing requirement they had been given, and were looking to allocate within the settlement boundary instead.</p> <p>The principle of development within settlement boundaries is established within the development plan. As the principle of development is already established, the approach for the Local Plan has been to not allocate sites within the settlement. Advice to the steering group was that to ensure a consistent approach and conformity with the Local Plan, sites within the settlement boundary should not be allocated. Within the Reg 19 proposed submission version of the LPR the housing requirement for Cold Ash was therefore amended to zero.</p>
Hermitage	20	0	<p>The Parish of Hermitage contains the village of Hermitage which is identified as a Service Village within the settlement hierarchy meaning that it has a limited range of services and has some limited development potential. Hermitage sits within the North Wessex Downs AONB, a nationally important and legally protected landscape which national planning policy is clear that great weight should be given to conserving landscape and scenic beauty in AONBs.</p> <p>There are two sites allocated for 25 dwellings in the HSA DPD. Development has not yet commenced on these sites and it is proposed to roll forward these allocations into the LPR. A significant amount of development has taken place in Hermitage in recent years with the development of the former Cementation works.</p> <p>The February 2020 HELAA identifies 2 sites as having potential, although there are concerns about the landscape capacity of site HER4. Taking the development potential of these sites into consideration alongside recent</p>

Designated Neighbourhood Area	Housing requirement in Reg 18 emerging draft LPR	Housing requirement in Reg 19 Proposed Submission LPR	Justification
			<p>development, the placing of Hermitage within the settlement hierarchy, existing allocations as well as the AONB, officers consider that a housing requirement of 20 dwellings would be appropriate. However the NDP steering group could commission a landscape capacity assessment (or WBC can appoint a consultant and recharge the Parish Council for this work) to determine if there may be potential for a slighter higher number. In 2022, the steering group advised WBC that they no longer wished to include allocations with the Neighbourhood Plan (NP). The housing requirement was therefore amended to zero in the Reg 19 proposed submission version of the LPR.</p> <p>As part of work on the Reg 19 proposed submission LPR, site selection work was undertaken which identified a site suitable for allocation.</p>
Hungerford	55	55	<p>The Parish of Hungerford contains the town of Hungerford and the small settlement of Eddington. Hungerford is identified as a Rural Service Centre in the settlement hierarchy. Rural Service Centres have a range of services and reasonable public transport provision meaning there are opportunities to strengthen the role in meeting the requirements of surrounding communities. Eddington is not included within the settlement hierarchy and is instead a 'smaller village with a settlement boundaries' therefore only suitable for limited infill development subject to the character and form of the settlement. Hungerford sits within the North Wessex Downs AONB, a nationally important and legally protected landscape which national planning policy is clear that great weight should be given to conserving landscape and scenic beauty in AONBs.</p> <p>There is one site allocated for 100 dwellings in the HSA DPD. Development has not yet commenced on the site, although it has planning permission, and it is proposed to roll forward this allocation into the LPR.</p> <p>The February 2020 HELAA identifies eight sites as having potential. Taking the development potential of these sites into consideration alongside the placing of Hungerford within the settlement hierarchy as well its location in the</p>

Designated Neighbourhood Area	Housing requirement in Reg 18 emerging draft LPR	Housing requirement in Reg 19 Proposed Submission LPR	Justification
			AONB, officers consider that a housing requirement of 55 dwellings would be appropriate.
Lambourn	25	25	<p>The Parish of Lambourn contains the village of Lambourn and the hamlet of Eastbury. Lambourn is identified as a Service Village within the settlement hierarchy meaning that it has a limited range of services and has some limited development potential. Eastbury is not included within the settlement hierarchy and is instead a 'smaller village with a settlement boundaries' therefore only suitable for limited infill development subject to the character and form of the settlement.</p> <p>Lambourn sits within the North Wessex Downs AONB, a nationally important and legally protected landscape which national planning policy is clear that great weight should be given to conserving landscape and scenic beauty in AONBs.</p> <p>There are two allocated sites within the HSA DPD for 65 dwellings, and these allocations have been retained within the LPR.</p> <p>The February 2020 HELAA identified two sites as having potential. Taking the development potential of these sites into consideration alongside the placing of Lambourn within the settlement hierarchy as well as the AONB, officers consider that a housing requirement of 25 dwellings would be appropriate.</p>
Newbury	The Neighbourhood Area had not been designated at this stage	0	The steering group have not made any request for a housing requirement figure.
Stratfield Mortimer	0	0	<p>The adopted NDP includes an allocation for up to 110 dwellings. The allocated site has outline planning permission, and Reserved Matters permission for the first phase of development (28 dwellings) which is currently being built out.</p> <p>The Parish of Stratfield Mortimer contains the village of Mortimer which is identified as a Service Village within the settlement hierarchy meaning that it has a limited range of services and has some limited development potential.</p> <p>Given the outstanding dwellings still to deliver, officers consider that there</p>

Designated Neighbourhood Area	Housing requirement in Reg 18 emerging draft LPR	Housing requirement in Reg 19 Proposed Submission LPR	Justification
			should be not any additional allocations in the plan period. It is however recognised that windfall development may come forward over the plan period.
Tilehurst	175	0	<p>Tilehurst is a suburb of Reading and forms part of the Eastern Urban Area alongside Calcot and Purley on Thames. Within the settlement hierarchy it is identified as an 'Urban Area' because of the wide range of services offered and subsequently will be the focus for the majority of development.</p> <p>The western part of Tilehurst sits within the North Wessex Downs AONB, a nationally important and legally protected landscape which national planning policy is clear that great weight should be given to conserving landscape and scenic beauty in AONBs.</p> <p>There are three allocated sites within the HSA DPD for 110 dwellings (Land East of Sulham Hill (HSA8), Stonehams Farm (HSA9), and Stonehams Farm (HSA10)). The Sulham Hill development (35 dwellings) has been built out whilst the development of Stonehams Farm (HSA10) is at an advanced stage of construction. The allocation at Stonehams Farm (HSA9) is being retained in the LPR.</p> <p>The February 2020 HELAA identifies four sites as having potential. Taking the development potential of these sites into consideration alongside the placing of Tilehurst within the settlement hierarchy as part of its location within the AONB, it was considered that a housing requirement of 175 dwellings would be appropriate.</p> <p>The steering group advised the Council in 2021 (after the consultation on the Reg 18 emerging draft LPR) that they did not wish to include allocations within the NP.</p>



Horsham District Local Plan 2023-2040

Examination Inspector: L Fleming BSc (Hons) MRTPI IHBC

Programme Officer:

K Trueman programmeofficer@horsham.gov.uk

Examination Webpage:

<https://www.horsham.gov.uk/planning/local-plan/local-plan-examination>

23 August 2024

Examination of the Horsham District Local Plan 2023-2040 Preliminary Matters

Dear Ms Howe,

Introduction

1. I have been appointed by the Secretary of State to conduct the examination of the Horsham District Local Plan 2023-2040 Regulation 19 – January 2024 (the Plan). Following my initial review of the supporting evidence and representations I provide the following comments and requests for information.
2. It is hoped your response to this letter will inform my Matters, Issues and Questions (MIQs) and a timetable for the hearings, including determining whether or not those hearings should proceed in more than one stage.

National Planning Policy Framework

3. The National Planning Policy Framework December 2023 in paragraph 230 sets out transitional arrangements for plan making. Because the Plan reached pre-submission consultation on or before 19 March 2024, I will examine it under the relevant previous version of the National Planning Policy Framework September 2023 (the NPPF).

Main Modifications

4. I note the Council formally requested upon submission that I recommend main modifications to the Plan that would make it sound and compliant with the legislative requirements as per Section 20(7C) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act). I have also noted the schedules of modifications submitted (SD14 and SD15). For the avoidance of any doubt these schedules do not form part of the Plan, but they will be considered at the relevant

hearings where necessary. I will provide more information on main modifications when I issue my examination guidance notes and MIQs.

Evidence and the duration of the Examination

5. It is noted that a number of evidence base documents are still being prepared and are intended to be submitted to the examination shortly. In this context, I draw the Council's attention to the Government's letter to the Planning Inspectorate dated 30 July 2024¹. Please can the Council add this letter to the examination library and note that among other things it sets out the Government's expectations on how examinations should be conducted.
6. Delays in finalising these outstanding evidence documents could protract the length of the examination. I therefore require a clear timeline for their completion. In the interests of fairness and efficiency, these evidence documents should be made available as soon as possible so that they can inform the MIQs for the hearings and representors hearing statements.
7. Please can the Council therefore provide a list of all such documents and precise dates when they will be published on the examination website. If a precise date cannot be provided, please can the Council give a clear reason why, setting out the actions and associated timeline necessary to complete the relevant work, particularly highlighting anything which is preventing its completion. In doing so, please can the Council highlight with dates any necessary engagement with third parties.

Housing Land Supply

8. I also note the Council is seeking to confirm, through the examination, a 5 year supply of deliverable housing sites under paragraph 74 of the NPPF. As suggested by the Council on submission, please can the Council produce a Topic Paper on Housing Supply. It would assist if this document included analysis of the total supply over the Plan period and also explains how this relates to the Plan's Spatial Strategy. Furthermore, this paper should also explain how any under supply has been accounted for in the Plan together with justification for the Council's approach.
9. Appended to this letter is a template which draws on the NPPF and sets out the site-specific information which would be helpful to the examination. Please can this template (or equivalent format with the same information) be completed for each site which the Council considers forms part of its 5 year land supply and include that information as part of the Topic Paper. In response to this letter please can the Council also confirm when it would be able to submit this Topic Paper to the examination. I may also request other Topic Papers are prepared over the course of the examination as required.

¹ [Local Plan examinations: letter to the Chief Executive of the Planning Inspectorate \(July 2024\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/125442/local-plan-examinations-letter-to-the-chief-executive-of-the-planning-inspectorate-july-2024.pdf) (publishing.service.gov.uk)

Conclusion

10. Please can the Council publish this letter on the examination website. Following receipt of your response to the matters raised, I should be able to advise you on how I consider that the examination should proceed.

11. For the avoidance of any doubt, I am only seeking the Council's response to this letter. I am not inviting further submissions from any other party at this stage. I look forward to hearing from the Council via the Programme Officer shortly.

Yours sincerely

L Fleming

INSPECTOR

Appendix 1: 5 year housing land supply information

The following information should be provided for every site that the Council assumes is available now, in a suitable location for development now, and is achievable with a reasonable prospect that housing will be delivered within five years (from 1 April 2024).

A. All sites with detailed planning permission, and sites of <10 homes and <0.5ha that have outline planning permission

Site name:					
Local plan ref:					
Total capacity:					
Plan period completions:					
Five year completions:					
	2024/5	2025/6	2026/7	2027/38	2028/9
Annual completions:					

These sites can be considered deliverable unless there is clear evidence that homes will not be delivered within five years¹.

...Continued over the page...

¹ NPPF Annex 2 Glossary

B. Other sites (including those of at least 10 homes or at least 0.5ha with outline permission, with a grant or permission in principle, allocations, or identified on brownfield register)

Site name:					
Local plan ref:					
Total capacity:					
Plan period completions:					
Five year completions:					
	2024/5	2025/6	2026/7	2027/38	2028/9
Annual completions:					

Clear evidence relating to¹:

Current planning status, including progress towards approval of reserved matters.
Progress towards the submission of an application.
Progress with site assessment work.
Site viability.
Availability, including ownership.
Infrastructure provision, including bids for large-scale infrastructure funding or other similar projects.

¹ PPG ID:68-007

Examination of the Elmbridge Local Plan

Inspector - C Masters MA (Hons) FRTPI

Programme Officer - Charlotte Glancy

Kim Tagliarini
Strategic Director, Place and Community
Elmbridge Borough Council
Civic Centre
High Street
Esher
KT10 9SD

11 September 2024

Dear Ms Tagliarini

Examination of the Elmbridge Local Plan

Introduction

1. Further to the close of the stage 2 hearings at the end of June 2024, I set out below my interim findings in connection with the Elmbridge Local Plan. This letter sets out my views on certain matters and what could be done to address these issues of soundness. It does not attempt to cover every matter in relation to the topics which have been covered at the hearings to date as these will be addressed within the final Inspector's Report. As this is a Plan which is being examined under the existing transitional arrangements, all paragraph references contained within this letter to the National Planning Policy Framework (the Framework) are in relation to the 2021 Framework.
2. In the first instance, I would like to thank the Council for facilitating the Stage 1 and Stage 2 hearings and for the work so far in seeking to address the matters raised throughout the examination. During these hearings, the Council have commenced a log of some of the issues relating to soundness matters that have been identified throughout the examination and upon which the Council will need to prepare additional evidence on. These matters include, but are not limited to:
 - Undertake a comprehensive call for moorings exercise and provide options for meeting the needs of boat dwellers over the plan period;
 - Update evidence on employment floorspace needs over the plan period, including having clear understanding of employment floorspace requirements as well as the impact of prior approvals on the supply of existing employment floorspace within the borough. Assess and provide options for meeting this need once it is clear what the need is and allocate sites accordingly.
3. This letter does not intend to duplicate those matters already highlighted, however it does set out my most significant concerns in relation to other matters arising, most notably the provision of and approach to housing over the plan period.
4. Since the close of the Stage 2 hearings, two important documents have been published. The first of these is the proposed consultation on the National Planning Policy Framework: draft for consultation. The consultation period for this document extends until the 24 September 2024. At this stage, the document does not constitute Government Policy or Guidance. Secondly, on the 30 July 2024 a Written Ministerial Statement (WMS) was published entitled 'Building the homes we need'. The WMS is

an expression of Government policy and is therefore capable of being a material consideration in relation to this examination. I have had regard to both of these documents in setting out my views below. In addition to these two documents, you will also be aware that the Ministry of Housing, Communities and Local Government wrote to the Planning Inspectorate on the 30 July 2024, setting out the Government's expectations in relation to local plan examinations, the approach to pragmatism and pauses to undertake additional work. This new approach applies to all plans with immediate effect. I shall return to this matter below.

5. My view is that the Plan as submitted is unsound. The Plan may be capable of being made sound through main modifications (MM's). The Council have already commenced a schedule of potential MM's which covers matters we discussed during the Stage 2 Hearings to date and the Council also have a number of action points arising from the Stage 2 Hearings. The Council should, in light of the content of this letter, reflect on the actions I have identified as necessary to make the plan sound, the timeframe for completing these additional pieces of work and the implications of this in terms of the next steps which I have set out at the end of this letter.

The Housing Requirement and policy SS3

6. As submitted, the Plan has been based on a housing requirement of 452 dpa. This means the housing requirement for the Plan period (extended to 2040 as agreed with the Council) would be 8136 dwellings. This housing requirement has been arrived at, taking into account the constraints of the borough and the conclusion that the Council do not consider that exceptional circumstances exist to warrant an amendment to the Green Belt boundary as part of this Local Plan. For the reasons I have set out within this letter, I do not consider this to be a sound approach.
7. The Council's latest housing trajectory identifies a land supply for a total of 5398 dwellings between 2022 and 2040. This is some 1387 dwellings short of the 6785 dwellings identified within policy SS3 as submitted. **The Plan would therefore result in a shortfall of some 2729 dwellings when compared to the housing requirement identified within the plan.** As drafted, the Council acknowledge that there is unmet need arising from the local plan and it is unknown how this need could be met or addressed. This presents neither a justified or effective approach to plan making.
8. The 452 dpa figure identified within the Plan falls some way below the standard method for calculating the housing requirement for Elmbridge. Utilising the standard method as the starting point, on the basis of the Council's evidence presented to date, the Local Housing Need (LHN) for Elmbridge is 650 dwellings per annum (dpa). This means that the housing requirement for the plan period would be 11700 dwellings. **Based on the Council's identified supply of 5398 dwellings, this would mean that there would be a shortfall of around 6300 dwellings over the Plan period as a whole.** This is a very significant shortfall which requires an alternative approach to meeting the housing needs of the borough over the plan period.
9. In terms of the evidence base, How the Spatial Strategy was formed (TOP001) identifies a number of key principles behind the scale and location of growth within the borough. In terms of the plan as submitted, it would neither meet the reduced housing target promoted within the submitted plan, or the housing requirement as calculated using the standard method, overall housing need, or provide the mix of

housing required to address the identified needs of the borough. Contrary to the views expressed by the Council, I do not consider that the spatial strategy adopted has achieved the correct balance between meeting housing need and the remaining key principles behind the scale and location of good growth. I shall return to the matter of the constraints within the borough and in particular the Green Belt boundaries below.

10. To summarise, the plan should be utilising the standard method as the starting point for calculating housing need. The 452 dpa is neither a justified or effective approach. As a result, as submitted, policy SS3 is not effective, justified or consistent with national policy. Using 2022 as the base date, for the Plan to be positively prepared, to address housing need over the plan period would mean the overall minimum housing requirement should be 11,700 dwellings. **This housing requirement should be clearly identified within the Plan, and the requirement should be reflected in policy SS3 which identifies the scale and location of good growth across the borough.**

Five Year Housing Land Supply Requirement

11. The Council have set out details concerning how they anticipate Five Year housing supply to be met through the Five-Year Supply statement and associated trajectory (HOU020 and HOU021). I have taken these documents into account along with the discussions held at the hearing sessions, written representations made regarding the delivery or otherwise on a number of the sites put forward, as well as the latest information presented by the Council in this regard.
12. Overall, the Council's current position is between the 5 year period of 1 April 2024 to 31 March 2029, there would be a total supply of 2027 dwellings. This means that there is a shortfall of 621 dwellings over this 5 year period against the housing requirement identified within the submitted plan, and a 2077 dwelling shortfall against the standard method requirement of 4103 for this plan period. In the context of 5 year supply, these figures represent 3.8 years and 2.4 years supply respectively.
13. The Council is not in a position to demonstrate a 5 year housing supply. In light of the above, the plan as currently drafted would therefore fail to be positively prepared. It is neither justified or effective and is inconsistent with national policy.
14. **The Plan should be modified to ensure that there are sufficient sites to provide for the minimum 5 years worth of housing against the housing requirement identified at paragraph 10 above.**

Windfall allowance

15. Based on the evidence presented within the Land Availability Assessment (HOU002), I acknowledge that some concerns have been expressed that the Council's windfall allowance will continue at the rate it has been. This is primarily because one of the main sources of supply is existing garden land which is a finite supply. Nevertheless, I consider that, in accordance with Paragraph 71 of the Framework, there is sufficient compelling evidence that windfall will continue to provide a reliable source of supply and that the 83 dpa windfall allowance which has been put forward by the Council is a justified approach. **However, in terms of the housing trajectory, windfall allowance should only be applied from year 5 onwards.**

Meeting housing supply and the approach to the Green Belt

16. In the context of delivering the homes we need, Paragraph 60 of the Framework states that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community. I have established above that the plan as submitted would fail to do this and the housing needs will not be met by the proposed strategy contained within the submitted plan.

17. The approach to housing delivery and the spatial strategy as submitted would result in very significant shortfalls in housing delivery as I have set out within paragraphs 6 and 7 above. The Plan is submitted on the basis of a brownfield only approach to housing delivery. That is to say, housing delivery relies entirely on previously developed land or sites within the existing urban area. I recognise that the effective use of land, making as much use as possible of previously developed or brownfield land, is encouraged by the Framework. However, in this instance, the sites put forward as site allocations within the Plan only total some 1804 dwellings. This equates to a contribution of around 15% towards meeting the housing needs over the plan period, clearly an insufficient contribution. The Council have confirmed that no neighbouring authorities are able to address the unmet need arising from the plan as submitted, and that there is no plan in place to address this unmet need. This approach means the boroughs needs will not be met and the plan is not positively prepared and represents neither a justified or effective approach to plan making.

18. As matters stand, it is the Council's position that there are not exceptional circumstances to justify an amendment to the Green Belt boundaries in Elmbridge. This is notwithstanding a number of documents contained within the examination library which explain why in the view of officers, there are exceptional circumstances which would justify the amendment of these boundaries to meet LHN. Since the Plan preparation commenced, the Council have recognised that the ability of the Green Belt in Elmbridge to address housing need should be considered. Significant work has been undertaken in relation to this matter, initially through the work commissioned by the Council and completed by ARUP in both 2016 and subsequently in 2018.

19. The Exceptional Circumstances Case (OTH043) document sets out in detail the relevant case law¹ concerning the presentation of what may constitute exceptional circumstances in the case of alterations to Green Belt boundaries within a local plan. Whilst it is generally accepted that there is no definition of what constitutes exceptional circumstances, it is my assessment that in the case of Elmbridge, there are a number of factors which provide a very clear steer towards the consideration of

¹ Gallagher Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin) and Calverton Parish Council v Nottingham City Council [2015] EWHC 1078 (Admin)

Green Belt sites to address the acute housing needs within the borough and the very significant shortfall in housing delivery which the plan as submitted would result in.

20. In terms of affordable housing, the plan as submitted would do little to address affordable housing needs over the plan period, in a Borough recognised as one of the most expensive places to live nationally. Elmbridge has one of the highest average house prices in the South East and affordability levels are amongst the highest within Surrey. The evidence base before me as set out within the Local Housing Needs Assessment and associated addendum (HOU004 and HOU005) identifies that in terms of affordable housing, the greatest demand for affordable homes is for units of four bedrooms or more (40%). I have not been presented with any evidence to support the Council's assertions that the focus of the plan on small urban sites (the highest majority of which would deliver 10 units or less) would assist in addressing the boroughs very acute affordable housing needs over the plan period. Conversely, the evidence base acknowledges the positive role that larger sites can play in terms of affordable housing delivery, yet the plan only seeks to deliver over 100 units on a total of 3 sites.

21. Added to the above issues concerning the quantum of housing development coming forward and the subsequent impacts on affordable housing delivery, I have significant concerns regarding the variety of land and subsequent tenure mix the submitted spatial strategy could deliver. In terms of the five year supply, the site allocations proposed by the plan would only total some 105 dwellings which would be made up from 4 sites. Beyond this first 5 years of the Plan period, only 10 of the remaining site allocations would deliver more than 50 dwellings. The highest proportion of sites coming forward (17) would be on sites less than 10 units. This approach to the site allocations as proposed would not only limit the quantum of development, but also the type and variety of housing delivery coming forward which in turn has implications for affordable housing delivery. The ability of the chosen spatial strategy to deliver a significant proportion of affordable housing is highly relevant to the consideration of whether exceptional circumstances exist, given it is acknowledged as being one of the most pressing issues which the Borough is facing².

22. The Council have also stated that the release of elements of the Green Belt would lead to unsustainable patterns of development. However, the evidence before me does not support this point of view. On the contrary, the Green Belt Boundary Review Accessibility Assessment (OTH002) paper sets out the relative sustainability of a number of the Green Belt sites assessed and subsequently discounted. A significant number of these sites are in clearly sustainable locations, (rated as excellent, good or fair) in terms of their overall accessibility performance with access to services and facilities comparable with a number of the site allocations contained within the plan as submitted.

23. In reaching the above views, I have also had regard to the Council's Topic Paper (TOP001) which sets out how the spatial strategy was formed, as well as the other evidence base documents provided by the Council namely the Green Belt Boundary Review (OTH001)³, the Green Belt Site Assessment Proformas (OTH038-OTH040), Green Belt Site Assessment Explanatory Notes (OTH041) and the GB Site

² As acknowledged within paragraphs 1.12, 2.7,2.8 of the Plan, as well as the overall Vision for Elmbridge (page 16)

³ For the sake of brevity, the full suite of evidence base document have not been listed however these include documents OTH02-OTH024 inclusive)

Assessment Explanatory notes (OTH042), the representations received at both the Regulation 19 stage as well as in written and oral form to the hearing sessions.

24. In particular, the Exceptional Circumstances Case Paper (OTH043) and the Sustainability Assessment (CD002) set out a number of options for the spatial strategy. Indeed, a number of the other options considered and subsequently discounted by the Council would in the round, enable a greater number of homes to be delivered, as well as meeting a significantly greater proportion of the Boroughs identified affordable housing needs. OTH040 identifies 12 sites considered for release under spatial strategy option 5a. These sites have been assessed as to how they fulfil the purpose on designating land as Green Belt. Furthermore, the Council, during the course of the hearing sessions also identified a further option as option 5b which set out 15 Green Belt sites in total. These options alone would deliver approximately 2900 dwellings to the overall supply.
25. The Council have repeatedly made reference to the conclusions drawn in relation to the Core Strategy Examination in support of the submitted plan. This argument is of very limited weight for a number of reasons. This examination was completed over 13 years ago. It not only predated the National Planning Policy Framework, but was a plan which was meeting its own needs in any event. As a result, there was no evidence before that Inspector regarding the role and function of the Green Belt within Elmbridge and indeed there would have been no requirement for such an exercise to be undertaken. There is also now a materially different position in terms of housing need. Bringing these factors together, I am unable to agree that the conclusions drawn at the last local plan examination should carry weight in relation to the decision to amend the boundaries now based on the latest evidence available.
26. The approach adopted would fail to deliver anything near the level of need for the plan period, and the strategy as adopted would be unsound as it would also not be effective in addressing the acute affordable housing need of the borough, including the backlog, which I shall go onto address in further detail below. Contrary to the views expressed by the Council, it is my view that the benefits of doing so would outweigh the harm to the Green Belt and as a result, exceptional circumstances do exist to warrant an element of Green Belt release. **To conclude, having taken into account the circumstances set out above, the release of an element of Green Belt land to meet the identified housing needs would be a justified and effective approach in this instance.**
27. In accordance with Paragraph 11b (i) of the Framework, I do not consider the Green Belt in Elmbridge provides a 'strong reason' for restricting the overall scale, type or distribution of development in the Plan Area. **The Council should revisit the Sustainability Appraisal, the options for meeting local housing need, the conclusions drawn in relation to the Green Belt work already completed and consideration of all alternative sites, including the potential release of Green Belt sites, to address the 6300 housing shortfall.**

Addressing affordable housing needs

28. The delivery of affordable housing is one of the most pressing issues facing the Borough and is identified as a key priority for the Council. The median work place - base affordability ratio has worsened since 2013 increasing from 13.31 to 20.02. This ranks Elmbridge as one of the least affordable boroughs in the country.

29. The evidence identifies that affordable housing need stands at 269dpa and that the backlog need for affordable housing is in the region of 1434 dwellings although I acknowledge a number of parties have expressed the view that this figure may well be higher. The evidence base states that this backlog should be addressed over a 20 year period. However, there is no justification for such an approach to be adopted and the Council have been unable to direct me to any substantive evidence to support their position in this regard. **Given the acute position regarding current affordable housing need, the scale of the backlog and the ever-worsening position regarding affordability ratios within Elmbridge, it is my view that the Council should seek to address the backlog during the plan period.**
30. Turning to consider the policy approach to affordable housing, policy HOU4 as submitted sets out the Councils approach to affordable housing. It is a detailed policy which, in the round, seeks to secure the following:
- (a) On brownfield sites of 10 or more units, on site provision of 30% affordable housing
 - (b) On greenfield sites of 10 units or more, on site provision of 40% affordable housing
 - (c) On sites of 9 units or less a financial contribution of 20% affordable housing
31. The remainder of the policy goes on to set out, amongst other things, how the on site provision will be sought, as well as how the tenure and mix of units proposed should be assessed.
32. As submitted, part c of policy HOU04 set out above seeks to secure a financial contribution equivalent to the provision of 20% affordable housing of the gross number of dwellings on sites of 9 units or less. This approach is at odds with the Framework and in particular paragraph 64 which advises that affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas.
33. In order to support this policy, Topic Paper 2 concerning Affordable Housing (TOP002) sets out that without being able to collect affordable housing contributions on small sites as envisaged by part c of policy HOU4, the ability of the Council to provide affordable homes will be highly restricted. However, the evidence before the examination confirms that the existing adopted policy CS21 has secured the delivery of just 75 affordable dwellings between the April 2011-March 2012 period. Against the backdrop of some 771 affordable housing units delivered across the borough during the same period, I am unable to agree that the removal of this part of the policy would 'highly restrict' future affordable housing delivery.
34. From the evidence I have heard to date, future affordable housing delivery would be highly restricted by the chosen spatial strategy. This is because the focus of the plan is on small sites (less than 10 units) within the existing urban areas (of which now only 17 sites in total are deemed to be deliverable or developable) means that the plan will do little to secure the 30% on site affordable housing provision sought by policy HOU04 part a as currently drafted. Furthermore, as a result of the spatial strategy proposed, there would be no sites allocated within the plan to which part b of the Plan would be applicable, namely to seek 40% on site affordable housing provision on greenfield sites of 10 units or more. This is despite the fact that the evidence base recognises that such sites would be clearly capable of delivering a

greater quantum of affordable housing as set out within the Establishing Local Housing Needs Document (HOU001).

35. The Council have also sought, amongst other things, to justify this approach based on the current Core Strategy policy CS21. As you are aware, this policy was adopted in July 2011 some 13 years ago and well before the Framework against which this local plan is being assessed. Given the very acute affordable housing need within the Borough, I have considered very carefully whether the approach put forward in policy HOU4 is a sound one. The evidence presented on this issue does not support the policy approach and policy HOU04 as drafted is neither justified, effective or consistent with national policy in this regard. I am unable to conclude that such a small proportion of affordable housing delivery makes a meaningful contribution. **The Council should delete part c of policy HOU04 as well as the relevant reasoned justification⁴**

Next steps

36. I realise that this letter covers a significant number of issues which the Council will wish to reflect on, and I have identified above ways in which the problems with the Plan could be remedied.
37. As I have referenced above at paragraph 4 of this letter, the Ministry of Housing, Communities and Local Government wrote to the Planning Inspectorate last month regarding the approach to Local Plans which are likely to require changes and a pause in the examination process as a result. In the round, the letter advises that pragmatism should be used where it is likely that a plan is capable of being found sound with limited additional work to address soundness issues. Any pauses to undertake additional work should take no more than six months overall. Extensions beyond this should only be allowed at the Inspectors discretion. In agreeing extensions, the Inspector should be confident that the local authority can complete any outstanding work in the agreed timeframe.
38. I am mindful that in the case of this examination, there are a number of very significant issues to address. This includes, but is not limited to, identifying enough sites to address the shortfall, undertaking the necessary steps to appraise the sites including providing and preparing the appropriate supporting evidence, consulting upon these sites and the potential for additional hearing sessions. I have real concerns that the Council may not be able to meet this timeframe. I would therefore be grateful if in the first instance you could advise whether you consider the Council are in a position to address the necessary changes required to make the Plan sound and undertake the additional work required within a 6 month period from the date of this letter. If the Council do not consider they would be able to meet this timeframe, then the Plan should either be withdrawn or I will prepare the necessary report which would find the Plan unsound in its current format.
39. In addition, I also request that a copy of this letter is placed on the examination website as soon as possible. I am not seeking comments from other parties on the content of this letter at this time. However, should the examination proceed through to the main modifications stage then there would of course be an opportunity for parties to comment then.

⁴ Other modifications discussed during the Matter 6 hearing sessions remain

40. I look forward to hearing from the Council once you have had an opportunity to digest the contents of this letter. Please could you provide a response no later than **2 October 2024**.

Yours sincerely

C Masters

INSPECTOR



Ministry of Housing,
Communities &
Local Government

National Planning Policy Framework



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1. Introduction

1. The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied¹. It provides a framework within which locally-prepared plans can provide for ~~sufficient~~ housing and other development in a sustainable manner. Preparing and maintaining up-to-date plans should be seen as a priority in meeting this objective.
2. Planning law requires that applications for planning permission be determined in accordance with the development plan², unless material considerations indicate otherwise³. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
3. The Framework should be read as a whole (including its footnotes and annexes). General references to planning policies in the Framework should be applied in a way that is appropriate to the type of plan being produced, taking into account policy on plan-making in chapter 3.
4. The Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.
5. The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.
6. Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission. ~~This includes the Written Ministerial Statement on Affordable Homes Update (24 May 2021) which contains policy on First Homes.~~

¹ This document replaces the previous version of the National Planning Policy Framework published in ~~September~~ [December](#) 2023.

² This includes local and neighbourhood plans that have been brought into force and any spatial development strategies produced by combined authorities or elected Mayors (see Glossary).

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

2. Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection⁵.
8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
 - a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11)

⁴ Resolution 42/187 of the United Nations General Assembly.

⁵ Transforming our World: the 2030 Agenda for Sustainable Development.

The presumption in favour of sustainable development

11. Plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies for the supply of land⁸ ~~which are most important for determining the application~~ are out-of-date⁹, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - ii. any adverse impacts of doing so would significantly and

⁶ As established through statements of common ground (see paragraph 287).

⁷ The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 742); and areas at risk of flooding or coastal change.

⁸ Policies for the supply of land are those which set an overall requirement and/or make allocations and allowances for windfall sites for the area and type of development concerned.

⁹ This includes, for applications involving the provision of housing, situations where: ~~(a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with the appropriate a buffer, if applicable, as set out in paragraph 7677) and does not benefit from the provisions of paragraph 76;~~ or ~~(b) where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.~~

demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, in particular those for the location and design of development (as set out in chapters 9 and 12) and for securing affordable homes.

12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
13. The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.
14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:
 - a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68);

3. Plan-making

15. The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
16. Plans should:
 - a) be prepared with the objective of contributing to the achievement of sustainable development¹⁰;
 - b) be prepared positively, in a way that is aspirational but deliverable;
 - c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
 - d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
 - e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
 - f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

The plan-making framework

17. The development plan must include strategic policies to address each local planning authority's priorities for the development and use of land in its area¹¹. These strategic policies can be produced in different ways, depending on the issues and opportunities facing each area. They can be contained in:
 - a) joint or individual local plans, produced by authorities working together or independently (and which may also contain non-strategic policies); and/or
 - b) a spatial development strategy produced by an elected Mayor or combined authority, where plan-making powers have been conferred.
18. Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies.
19. The development plan for an area comprises the combination of strategic and non-strategic policies which are in force at a particular time.

¹⁰ This is a legal requirement of local planning authorities exercising their plan-making functions (section 39(2) of the Planning and Compulsory Purchase Act 2004).

¹¹ Section 19(1B-1E) of the Planning and Compulsory Purchase Act 2004.

Strategic policies

20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places ~~(to ensure outcomes support beauty and placemaking)~~, and make sufficient provision¹² for:
 - a) housing (including affordable housing), employment, retail, leisure and other commercial development;
 - b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - c) community facilities (such as health, education and cultural infrastructure); and
 - 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.
21. Plans should make explicit which policies are strategic policies¹³. These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.
22. Strategic policies should look ahead over a minimum 15 year period from adoption¹⁴, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery¹⁵.
23. Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or non-strategic policies)¹⁶.

¹² In line with the presumption in favour of sustainable development.

¹³ Where a single local plan is prepared the non-strategic policies should be clearly distinguished from the strategic policies.

¹⁴ Except in relation to town centre development, as set out in chapter 7.

¹⁵ Transitional arrangements are set out in Annex 1.

¹⁶ For spatial development strategies, allocations, land use designations and a policies map are needed only where the power to make allocations has been conferred.

Maintaining effective cooperation

24. Effective strategic planning across local planning authority boundaries will play a vital and increasing role in how sustainable growth is delivered and key spatial issues, including meeting housing needs, delivering strategic infrastructure, and building economic and climate resilience, are addressed. Local planning authorities and county councils (in two-tier areas) ~~are~~ continue to be under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.
25. Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including ~~Local Enterprise Partnerships~~, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).
26. Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.
27. Once the matters which require collaboration have been identified, strategic policy-making authorities should make sure that their plan policies are consistent with those of other bodies where a strategic relationship exists on these matters, and with the relevant investment plans of infrastructure providers, unless there is a clear justification to the contrary. In particular their plans should ensure that:
 - a) a consistent approach is taken to planning the delivery of major infrastructure, such as major transport services/projects, utilities, waste, minerals, environmental improvement and resilience, and strategic health, education and social infrastructure (such as hospitals, universities, major schools, major sports facilities and criminal justice accommodation);
 - b) unmet development needs from neighbouring areas are accommodated in accordance with paragraph 11b; and
 - c) any allocation or designation which cuts across the boundary of plan areas, or has significant implications for neighbouring areas, is appropriately managed by all relevant authorities.
- ~~27.~~28. In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency. Plans come forward at different times, and there may be a degree of uncertainty about the future direction of relevant development plans or plans of infrastructure providers. In

such circumstances strategic policy-making authorities and Inspectors will need to come to an informed decision on the basis of available information, rather than waiting for a full set of evidence from other authorities.

Non-strategic policies

~~28.~~29. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

~~29.~~30. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies¹⁷.

~~30.~~31. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

Preparing and reviewing plans

~~31.~~32. The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.

~~32.~~33. Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements¹⁸. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).

~~33.~~34. Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then

¹⁷ Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.

¹⁸ The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic Environmental Assessment, but only where there are potentially significant environmental effects.

be updated as necessary¹⁹. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.

Development contributions

34.35. Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

Examining plans

35.36. Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs²⁰; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – 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; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

36.37. These tests of soundness will be applied to non-strategic policies²¹ in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area.

37.38. Neighbourhood plans must meet certain 'basic conditions' and other legal

¹⁹ Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

²⁰ Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraph 624 of this Framework

²¹ Where these are contained in a local plan.

requirements²² before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

²² As set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

4. Decision-making

~~38~~.39. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Pre-application engagement and front-loading

~~39~~.40. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

~~40~~.41. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.

~~41~~.42. The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.

~~42~~.43. The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible.

~~43~~.44. The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.

~~44~~.45. Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every

two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.

~~45.~~46. Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them.

~~46.~~47. Applicants and local planning authorities should consider the potential for voluntary planning performance agreements, where this might achieve a faster and more effective application process. Planning performance agreements are likely to be needed for applications that are particularly large or complex to determine.

Determining applications

~~47.~~48. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

~~48.~~49. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)²³.

~~49.~~50. However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

²³ During the transitional period for emerging plans, consistency should be tested against the version of the Framework as applicable, as set out in Annex 1.

~~50.~~51. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

Tailoring planning controls to local circumstances

~~51.~~52. Local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.

~~52.~~53. Communities can use Neighbourhood Development Orders and Community Right to Build Orders to grant planning permission. These require the support of the local community through a referendum. Local planning authorities should take a proactive and positive approach to such proposals, working collaboratively with community organisations to resolve any issues before draft orders are submitted for examination.

~~53.~~54. The use of Article 4 directions to remove national permitted development rights should:

- a) where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre)
- b) in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)
- c) in all cases, be based on robust evidence, and apply to the smallest geographical area possible.

~~54.~~55. Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

Planning conditions and obligations

~~55.~~56. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

~~56.~~57. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early

is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification²⁴.

~~57.~~58. Planning obligations must only be sought where they meet all of the following tests²⁵:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

~~58.~~59. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Enforcement

~~59.~~60. Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

²⁴ Sections 100ZA(4-6) of the Town and Country Planning Act 1990 will require the applicant's written agreement to the terms of a pre-commencement condition, unless prescribed circumstances apply.

²⁵ Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

5. Delivering a sufficient supply of homes

~~60.61.~~ To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet ~~as much of~~ an area's identified housing need ~~as possible~~, including with an appropriate mix of housing types for the local community.

~~61.62.~~ To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. ~~The outcome of the standard method is an advisory starting point for establishing a housing requirement for the area (see paragraph 67 below). There may be exceptional circumstances, including relating to the particular demographic characteristics of an area²⁶ which justify an alternative approach which to assessing housing need; in which case the alternative approach should also reflect current and future demographic trends and market signals.~~ In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for²⁷.

~~62.~~ ~~The standard method incorporates an uplift which applies to certain cities and urban centres, as set out in national planning guidance. This uplift should be accommodated within those cities and urban centres themselves except where there are voluntary cross boundary redistribution agreements in place, or where it would conflict with the policies in this Framework²⁸.~~

63. Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing ([including Social Rent](#)); families with children; [looked after children](#)²⁹; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers³⁰; people who rent their homes and people wishing to commission or build their own homes³¹.

~~²⁶ Such particular demographic characteristics could, for example, include areas that are islands with no land bridge that have a significant proportion of elderly residents.~~

²⁷ Transitional arrangements are set out in Annex 1

~~²⁸ In doing so, strategic policies should promote an effective use of land and optimise site densities in accordance with chapter 11. This is to ensure that homes are built in the right places, to prioritise brownfield and other under-utilised urban sites, to utilise existing infrastructure, and to allow people to live near the services they rely on, making travel patterns more sustainable.~~

²⁹ [Evidence of need for looked after children can be found in the relevant Local Authority's Children's Social Care Sufficiency Strategy.](#)

³⁰ Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document.

³¹ Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough

64. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required (including the minimum proportion of Social Rent homes required)³², and expect it to be met on-site unless:
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - b) the agreed approach contributes to the objective of creating mixed and balanced communities.
65. Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount³³.
66. Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across both affordable housing for rent and affordable home ownership tenures. ~~at least 10% of the total number of homes to be available for affordable home ownership³⁴, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:~~
- ~~a) provides solely for Build to Rent homes;~~
 - ~~b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);~~
 - ~~c) is proposed to be developed by people who wish to build or commission their own homes; or~~
 - ~~d) a) is exclusively for affordable housing, an entry-level a community-led development exception site or a rural exception site.~~
67. Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. The requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern

suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.

³² Applying the definition in Annex 2 to this Framework.

³³ Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.

³⁴ ~~As part of the overall affordable housing contribution from the site.~~

and scale of development and any relevant allocations³⁵. Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.

68. Where it is not possible to provide a requirement figure for a neighbourhood area³⁶, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

69. Mixed tenure sites can provide a range of benefits including creating diverse communities and supporting timely build out rates and local planning authorities should support their development through their policies and decisions. Mixed tenure sites can include a mixture of ownership and rental tenures, including rented affordable housing and build to rent, as well as housing designed for specific groups such as older people's housing and student accommodation, and plots sold for custom or self-build.

Identifying land for homes

~~69.~~70. Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

- a) specific, deliverable sites for five years following the intended date of adoption³⁷; and
- b) specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period.

~~70.~~71. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;

³⁵ Except where a Mayoral, combined authority or high-level joint plan is being prepared as a framework for strategic policies at the individual local authority level; in which case it may be most appropriate for the local authority plans to provide the requirement figure.

³⁶ Because a neighbourhood area is designated at a late stage in the strategic policy-making process, or after strategic policies have been adopted; or in instances where strategic policies for housing are out of date.

³⁷ With an appropriate buffer, as set out in paragraph 767. See Glossary for definitions of deliverable and developable.

- b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing;
- c) use tools such as area-wide design assessments, permission in principle and Local Development Orders to help bring small and medium sized sites forward;
- d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and
- e) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

~~71.~~72. Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph ~~71~~70a) suitable for housing in their area.

~~72.~~73. Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

~~73.~~74. Local planning authorities should support the development of exception sites, or community-led development³⁸ (as defined in Annex 2) on sites that would not otherwise be suitable as rural exception sites. These sites should be on land which is not already allocated for housing and should:

- a) comprise community-led development that includes one or more types of affordable housing as defined in Annex 2 of this Framework. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding; and
- b) be adjacent to existing settlements, existing settlements, proportionate in size to them³⁹, not compromise the protection given to areas or assets of particular importance in this Framework⁴⁰, and comply with any local design policies and standards.

~~74.~~75. The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant

³⁸-This exception site policy does not replace the First Homes exception policy set out in the Affordable Homes Update Written Ministerial Statement, dated 24 May 2021, which remains extant policy.

³⁹ Community-led development exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement, [unless specific provision to exceed these limits is made in the development plan.](#)

⁴⁰ i.e. the areas referred to in footnote 7.

extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:

- a) consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;
- b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;
- c) set clear expectations for the quality of the places to be created and how this can be maintained (such as by following Garden City principles); and ensure that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community;
- d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations)⁴¹; and
- e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.

Maintaining supply and delivery

76. Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should ~~monitor their deliverable land supply against their housing requirement, as set out in adopted strategic policies~~ identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies³⁸, or against their local housing need where the strategic policies are more than five years old³⁹. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or

⁴¹ The delivery of large scale developments may need to extend beyond an individual plan period, and the associated infrastructure requirements may not be capable of being identified fully at the outset. Anticipated rates of delivery and infrastructure requirements should, therefore, be kept under review and reflected as policies are updated.

~~b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan⁴⁰, to account for any fluctuations in the market during that year; or~~

~~b) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply⁴¹.~~

~~75. Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met⁴²:~~

~~a. their adopted plan is less than five years old; and~~

~~b. that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.~~

~~76. In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing⁴³, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old⁴⁴. Where there has been significant under delivery of housing over the previous three years⁴⁵, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period). National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over supply can be addressed.~~

~~77. Where the criteria in paragraph 76 are not met, a local planning authority may confirm the existence of a five year supply of deliverable housing sites (with a 20% buffer, if applicable through an annual position statement which:~~

~~a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and~~

~~b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.~~

~~78.~~77. To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery

⁴³ For the avoidance of doubt, a five year supply of deliverable sites for travellers — as defined in Annex 1 to Planning Policy for Traveller Sites — should be assessed separately, in line with the policy in that document.

⁴⁴ Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.

⁴⁵ This will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement. For clarity, authorities that are not required to continually demonstrate a 5 year housing land supply should disregard this requirement.

Test indicates that delivery has fallen below the local planning authority's housing requirement over the previous three years, the following policy consequences should apply:

- a) where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;
- b) where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 767 of this framework, in addition to the requirement for an action plan.
- c) where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 98 of this Framework, in addition to the requirements for an action plan and 20% buffer.

~~79.~~78. The Housing Delivery Test consequences set out above will apply the day following the annual publication of the Housing Delivery Test results, at which point they supersede previously published results. Until new Housing Delivery Test results are published, the previously published result should be used.

~~80.~~79. To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. For major development involving the provision of housing, local planning authorities should also assess why any earlier grant of planning permission for a similar development on the same site did not start.

Rural housing

~~81.~~80. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including proposals for community-led development for housing. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

~~82.~~81. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

~~83.~~82. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority

control of a farm business, to live permanently at or near their place of work in the countryside;

- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

6. Building a strong, competitive economy

~~84.~~83. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation⁴⁶, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

~~85.~~84. Planning policies should:

- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;
- b) set criteria, ~~or~~ and identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period. Appropriate sites for commercial development which meet the needs of a modern economy should be identified, including suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics.
- c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
- d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

~~86.~~85. Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:

- a) clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections);
- b) storage and distribution operations at a variety of scales and in suitably accessible locations, that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation;

~~⁴⁶The Government's Industrial Strategy sets out a vision to drive productivity improvements across the UK, identifies a number of Grand Challenges facing all nations, and sets out a delivery programme to make the UK a leader in four of these: artificial intelligence and big data; clean growth; future mobility; and catering for an ageing society. HM Government (2017) *Industrial Strategy: Building a Britain fit for the future.*~~

c) the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience.

Supporting a prosperous rural economy

~~87.~~86. Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, ~~beautiful~~ new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

~~88.~~87. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

7. Ensuring the vitality of town centres

~~89.~~88. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
- b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
- c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
- d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;
- e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and
- f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

~~90.~~89. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

~~91.~~90. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

~~92.~~91. This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.

~~93.~~92. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

~~94.~~93. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph ~~92~~4, it should be refused.

8. Promoting healthy and safe communities

~~95.94.~~ Planning policies and decisions should aim to achieve healthy, inclusive and safe places ~~and beautiful buildings~~ which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of ~~beautiful,~~ well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

~~96.95.~~ To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

~~97.96.~~ Planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.

~~98.97.~~ It is important that a sufficient choice of ~~early years, school and post-16~~ places ~~is are~~ available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter [early years, schools and post 16 facilities](#) through the preparation of plans and decisions on applications; and
- b) work with [early years, school and post-16](#) promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

~~99.~~[98.](#) To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted. [Significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development.](#)

~~100.~~[99.](#) Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:

- a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate⁴⁷. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
- b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

Open space and recreation

~~101.~~[100.](#) Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

~~102.~~[101.](#) Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

⁴⁷ This includes transport hubs, night-time economy venues, cinemas and theatres, sports stadia and arenas, shopping centres, health and education establishments, places of worship, hotels and restaurants, visitor attractions and commercial centres.

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

~~103.~~102. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

~~104.~~103. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

~~105.~~104. The Local Green Space 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.

~~106.~~105. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.

9. Promoting sustainable transport

~~407.~~106. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

~~408.~~107. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

~~409.~~108. Planning policies should:

- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
- b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;
- c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;
- d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);

- e) provide for any large scale transport facilities that need to be located in the area⁴⁸, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements; and
- f) recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy⁴⁹.

~~110.~~109. If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

~~111.~~110. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

~~112.~~111. Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use.

Considering development proposals

~~113.~~112. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

⁴⁸ Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services. The primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).

⁴⁹ Department for Transport (2015) *General Aviation Strategy*.

- a) ~~appropriate opportunities~~ A vision led approach to ~~promote~~ promoting sustainable transport modes ~~can be – or have been – taken up, given is taken, taking account of~~ the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁵⁰; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision led approach.

~~114.113.~~ 113. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in all tested scenarios.

~~115.114.~~ 114. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

~~116.115.~~ 115. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

⁵⁰ Policies and decisions should not make use of or reflect the former Design Bulletin 32, which was withdrawn in 2007.

10. Supporting high quality communications

~~117.~~116. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

~~118.~~117. The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

~~119.~~118. Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:

- a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
- b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.

~~120.~~119. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
- b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or

- c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

~~121.~~120. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

11. Making effective use of land

~~122.~~121. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land⁵¹.

~~123.~~122. Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, [proposals for which should be regarded as acceptable in principle](#), and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)⁵²; and
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions – [including mansard roofs](#) – where the development would be consistent with the prevailing ~~height and~~ form of neighbouring properties and the overall street scene, is well- designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. ~~They should also allow mansard roof extensions on suitable properties⁵³ where their external appearance harmonises with the original building, including extensions to terraces where one or more of the terraced houses already has a mansard. Where there was a tradition of mansard construction locally at the time of the building's construction, the extension should emulate it with respect to external appearance.~~ A condition of simultaneous development should not be imposed on an application for multiple

⁵¹ Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity.

⁵² As part of this approach, plans and decisions should support efforts to identify and bring back into residential use empty homes and other buildings, supported by the use of compulsory purchase powers where appropriate.

⁵³ ~~See glossary for further details.~~

~~mansard~~upward extensions unless there is an exceptional justification.

~~124.~~123. Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.

~~125.~~124. Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

~~126.~~125. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Achieving appropriate densities

~~127.~~126. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed ~~and beautiful~~, attractive and healthy places.

~~128.~~127. Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

- a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;
- b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and
- c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

~~129. In applying paragraphs 129a and b above to existing urban areas, significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. Such circumstances should be evidenced through an authority-wide design code which is adopted or will be adopted as part of the development plan.~~

12. Achieving well-designed ~~and beautiful~~ places

~~130.~~128. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

~~131.~~129. Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.

~~132.~~130. To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety.

~~133.~~131. Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.

~~134.~~132. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵⁴; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

~~135.~~133. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined⁵⁵, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

~~136.~~134. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

~~137.~~135. Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. The National Model Design Code is ~~The primary~~ the primary ~~basis means of~~ doing so should be through ~~for~~ for the preparation and use of local design codes, ~~in-line with the National Model Design Code~~. For assessing proposals there is a range of tools including workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life⁵⁶. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale

⁵⁴ Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.

⁵⁵ Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.

⁵⁶ Birkbeck D and Kruczkowski S et al (2020) *Building for a Healthy Life*

housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

~~138.~~136. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵⁷, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

~~139.~~137. Local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the approved use of materials where appropriate. This will provide greater certainty for those implementing the planning permission on how to comply with the permission and a clearer basis for local planning authorities to identify breaches of planning control. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

~~140.~~138. The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

⁵⁷ Contained in the National Design Guide and National Model Design Code.

13. Protecting Green Belt land

~~141.~~139. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

~~142.~~140. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

~~143.~~141. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic policies, which should:

- a) demonstrate why normal planning and development management policies would not be adequate;
- b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
- c) show what the consequences of the proposal would be for sustainable development;
- d) demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas; and
- e) show how the Green Belt would meet the other objectives of the Framework.

~~144.~~142. Once established, ~~there is no requirement for~~ Green Belt boundaries should only to be altered reviewed or changed when plans are being prepared or updated. ~~Authorities may choose to review and alter Green Belt boundaries where~~ exceptional circumstances are fully evidenced and justified, ~~in which case proposals for changes should be made only~~ through the preparation or updating of plans plan-making process. Exceptional circumstances include, but are not limited to, instances where an authority cannot meet its identified need for housing, commercial or other development through other means. In these circumstances authorities should review Green Belt boundaries and propose alterations to meet these needs in full, unless the review provides clear evidence that such alterations would fundamentally undermine the function of the Green Belt across the area of

[the plan as a whole](#). Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non- strategic policies, including neighbourhood plans.

~~145.~~[143.](#) Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

- a) makes as much use as possible of suitable brownfield sites and underutilised land;
- b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
- c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

~~146.~~[144.](#) When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where ~~it has been concluded that~~ it is necessary to release Green Belt land for development, plans should [give first consideration to previously-developed land in sustainable locations, then consider grey belt land in sustainable locations which is not already previously-developed, and only then consider other sustainable Green Belt locations](#). They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

~~147.~~[145.](#) When defining Green Belt boundaries, plans should:

- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
- b) not include land which it is unnecessary to keep permanently open;
- c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of

safeguarded land should only be granted following an update to a plan which proposes the development;

- e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and
- f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

~~148.~~146. If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.

~~149.~~147. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land. [Where Green Belt land is released for development through plan preparation or review, development proposals on the land concerned should deliver the contributions set out in paragraph 155 below.](#)

~~150.~~148. The National Forest and Community Forests offer valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife. The National Forest Strategy and an approved Community Forest Plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within the National Forest and Community Forests in the Green Belt should be subject to the normal policies for controlling development in Green Belts.

Proposals affecting the Green Belt

~~151.~~149. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

~~152.~~150. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

~~153.~~151. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt:
 - ~~not have a greater impact on the openness of the Green Belt than the existing development; or~~
 - ~~not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.~~

152. In addition to the above, housing, commercial and other development in the Green Belt should not be regarded as inappropriate where:

- a. The development would utilise grey belt land in sustainable locations, the contributions set out in paragraph 155 below are provided, and the development would not fundamentally undermine the function of the Green Belt across the area of the plan as a whole; and
- b. The local planning authority cannot demonstrate a five year supply of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 76) or where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years; or there is a demonstrable need for land to be released for development of local, regional or national importance.
- c. Development is able to meet the planning policy requirements set out in paragraph 155.

~~154.~~153. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and

substantial construction;

- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

~~155.~~154. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

155. Where major development takes place on land which has been released from the Green Belt through plan preparation or review, or on sites in the Green Belt permitted through development management, the following contributions should be made:

- a. In the case of schemes involving the provision of housing, at least 50% affordable housing [with an appropriate proportion being Social Rent], subject to viability;
- b. Necessary improvements to local or national infrastructure; and
- c. The provision of new, or improvements to existing, green spaces that are accessible to the public. Where residential development is involved, the objective should be for new residents to be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.

156. Regarding the provision of green space, development proposals should meet local standards where these exist in local plans, for example local planning policies on access to green space and / or urban greening factors. Where no locally specific standards exist, development proposals should meet national standards relevant to the development. These include Natural England standards on accessible green space and urban greening factor and Green Flag criteria.

157. Additional guidance on viability considerations for development in the Green Belt is provided in Annex 4.

14. Meeting the challenge of climate change, flooding and coastal change

~~156.~~158. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Planning for climate change

~~157.~~159. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures⁵⁸. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

~~158.~~160. New development should be planned for in ways that:

- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
- b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

~~159.~~161. To help increase the use and supply of renewable and low carbon energy and heat, plans should:

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts);
- b) ~~consider identifying~~ identify suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-

⁵⁸ In line with the objectives and provisions of the Climate Change Act 2008.

locating potential heat customers and suppliers.

~~160. Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.~~

~~161.~~162. In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

~~162.~~163. ~~In determining planning applications~~ Local planning authorities should also give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 of this Framework.

~~163.~~164. ~~In determining planning applications~~ Local planning authorities should support planning applications for all forms of renewable and low carbon development. When determining planning applications⁵⁹ for ~~renewable and low carbon~~ these developments, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the proposal's contribution to renewable energy generation and a net zero future;
- b) recognise that even small-scale and community-led projects provide a valuable contribution to ~~significant~~ cutting greenhouse gas emissions;
- c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site; ~~and approve the application if its impacts are (or can be made) acceptable~~⁶⁰.

~~⁵⁹ Wind energy development involving one or more turbines can also be permitted through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders. In the case of Local Development Orders, it should be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.~~

~~⁶⁰ Except for applications for the repowering and life-extension of existing wind turbines, a planning application for wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan or a supplementary planning document; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has~~

~~164.~~165. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Planning and flood risk

165. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
166. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.
167. All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:
- a) applying the sequential test and then, if necessary, the exception test as set out below;
 - b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
 - c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and
 - d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.
168. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
169. If it is not possible for development to be located in areas with a lower risk of

flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

170. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:
 - a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
171. Both elements of the exception test should be satisfied for development to be allocated or permitted.
172. Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.
173. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁶¹. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
 - a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an

⁶¹ A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

agreed emergency plan.

174. Applications for some minor development and changes of use⁶² should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote ⁵⁹.
175. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
 - a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.

Coastal change

176. In coastal areas, planning policies and decisions should take account of the UK Marine Policy Statement and marine plans. Integrated Coastal Zone Management should be pursued across local authority and land/sea boundaries, to ensure effective alignment of the terrestrial and marine planning regimes.
177. Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:
 - a) be clear as to what development will be appropriate in such areas and in what circumstances; and
 - b) make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.
178. Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:
 - d) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;
 - e) the character of the coast including designations is not compromised;
 - f) the development provides wider sustainability benefits; and
 - g) the development does not hinder the creation and maintenance of a continuous

⁶² This includes householder development, small non-residential extensions (with a footprint of less than 250m²) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

signed and managed route around the coast⁶³.

179. Local planning authorities should limit the planned lifetime of development in a Coastal Change Management Area through temporary permission and restoration conditions, where this is necessary to reduce a potentially unacceptable level of future risk to people and the development.

⁶³ As required by the Marine and Coastal Access Act 2009.

15. Conserving and enhancing the natural environment

180. Planning policies and decisions should contribute to and enhance the natural and local environment by:
- h) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - i) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - j) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - k) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - l) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - m) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
181. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁶⁴; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.
182. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks

⁶⁴ Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. ~~The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.~~

and the Broads⁶⁵. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

183. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development⁶⁶ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
184. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 182), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Habitats and biodiversity

185. To protect and enhance biodiversity and geodiversity, plans should:
- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁶⁷; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁶⁸; and
 - b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

⁶⁵ *English National Parks and the Broads: UK Government Vision and Circular 2010* provides further guidance and information about their statutory purposes, management and other matters.

⁶⁶ For the purposes of paragraphs 182 and 183, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

⁶⁷ Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

⁶⁸ Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.

186. When determining planning applications, local planning authorities should apply the following principles:
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
 - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶⁹ and a suitable compensation strategy exists; and
 - d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
187. The following should be given the same protection as habitats sites:
- a) potential Special Protection Areas and possible Special Areas of Conservation;
 - b) listed or proposed Ramsar sites⁷⁰; and
 - c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.
188. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

⁶⁹ For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

⁷⁰ Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.

Ground conditions and pollution

189. Planning policies and decisions should ensure that:
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
190. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
191. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁷¹;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
192. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

⁷¹ See Explanatory Note to the *Noise Policy Statement for England* (Department for Environment, Food & Rural Affairs, 2010).

193. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
194. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

16. Conserving and enhancing the historic environment

195. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value⁷². These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations⁷³.
196. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:
- d) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
 - e) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - f) the desirability of new development making a positive contribution to local character and distinctiveness; and
 - g) opportunities to draw on the contribution made by the historic environment to the character of a place.
197. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.
198. Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:
- h) assess the significance of heritage assets and the contribution they make to their environment; and
 - i) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.

⁷² Some World Heritage Sites are inscribed by UNESCO to be of natural significance rather than cultural significance; and in some cases they are inscribed for both their natural and cultural significance.

⁷³ The policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-making.

199. Local planning authorities should make information about the historic environment, gathered as part of policy-making or development management, publicly accessible.

Proposals affecting heritage assets

200. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
201. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
202. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
203. In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
204. In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.

Considering potential impacts

205. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
206. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional⁷⁴.
207. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
209. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

⁷⁴ Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

210. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
211. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁷⁵. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
212. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
213. Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph x or less than substantial harm under paragraph x, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.
214. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

⁷⁵ Copies of evidence should be deposited with the relevant historic environment record, and any archives with a local museum or other public depository.

17. Facilitating the sustainable use of minerals

215. It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.
216. Planning policies should:
- a) provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;
 - b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;
 - c) safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas⁷⁶; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);
 - d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;
 - e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;
 - f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;
 - g) when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and
 - h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.
217. When determining planning applications, great weight should be given to the

⁷⁶ Primarily in two tier areas as stated in Annex 2: Glossary

benefits of mineral extraction, including to the economy⁷⁷. In considering proposals for mineral extraction, minerals planning authorities should:

- a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;
- b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source⁷⁸, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- d) not grant planning permission for peat extraction from new or extended sites;
- e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- f) consider how to meet any demand for the extraction of building stone needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- g) recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.

218. Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.

Maintaining supply

219. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

- a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- b) participating in the operation of an Aggregate Working Party and taking the advice of that party into account when preparing their Local Aggregate Assessment;

⁷⁷ Except in relation to the extraction of coal, where the policy at paragraph 223 of this Framework applies.

⁷⁸ National planning guidance on minerals sets out how these policies should be implemented.

- c) making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;
- d) taking account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- f) maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised⁷⁹;
- g) ensuring that large landbanks bound up in very few sites do not stifle competition; and
- h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

220. Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:

- a) co-operating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes;
- b) encouraging safeguarding or stockpiling so that important minerals remain available for use;
- c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment⁸⁰; and
- d) taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.

⁷⁹ Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites.

⁸⁰ These reserves should be at least 10 years for individual silica sand sites; at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.

Oil, gas and coal exploration and extraction

221. Minerals planning authorities should:

- a) when planning for on-shore oil and gas development, clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production), whilst ensuring appropriate monitoring and site restoration is provided for;
- b) encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility;
- c) indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable;
- d) encourage the capture and use of methane from coal mines in active and abandoned coalfield areas; and
- e) provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use.

222. When determining planning applications, minerals planning authorities should ensure that the integrity and safety of underground storage facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.

223. Planning permission should not be granted for the extraction of coal unless:

- a) the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or
- b) if it is not environmentally acceptable, then it provides national, local or community benefits which clearly outweigh its likely impacts (taking all relevant matters into account, including any residual environmental impacts).

Annex 1: Implementation

For the purposes of decision-making

224. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication⁸¹. Plans may also need to be revised to reflect policy changes which this Framework has made.
225. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- ~~226. From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old⁸², instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.~~

For the purposes of plan-making

226. The policies in this Framework (published on [publication date]) will apply for the purpose of preparing local plans⁸³ from [publication date + one month] unless one or more of the following apply:
- a. the emerging annual housing requirement⁸⁴ in a local plan that reaches or has reached Regulation 19⁸⁵ (pre-submission stage) on or before [publication date

~~⁸¹As an exception to this, the policy contained in paragraph 76 and the related reference in footnote 8 of this Framework should only be taken into account as a material consideration when dealing with applications made on or after the date of publication of this version of the Framework.~~

~~⁸²Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a four year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.~~

⁸³ Under the Town and Country Planning (Local Planning) (England) Regulations 2012.

⁸⁴ Defined as the total housing requirement, divided by the number of years in the plan period. The housing requirement can include any unmet need arrangements. Where a joint local plan is in preparation, to determine whether a shortfall exists between the emerging annual housing requirement and the relevant Local Housing Need figure, any shortfall should be apportioned to each local authority equally to determine whether a shortfall

- + one month] is no more than 200 dwellings below the published relevant Local Housing Need figure⁸⁶;
- b. the local plan is a Part 2 plan that does not introduce new strategic policies setting the housing requirement unless the relevant Local Plan Part 1 has been prepared applying the policies in this version of the Framework;
- c. the local plan is or has been submitted for examination under Regulation 22⁸⁷ on or before [publication date + one month].

Where a, b or c applies, the plan will be examined under the relevant previous version of the Framework⁸⁸

227. Where paragraph 226 c) applies, local plans that reach adoption with an annual housing requirement⁸⁴ that is more than 200 dwellings lower than the relevant published Local Housing Need figure⁸⁶ will be expected to commence plan-making in the new plan-making system at the earliest opportunity to address the shortfall in housing need.

228. After applying the policies of this version of the Framework, local plans that have reached Regulation 19 (pre-submission stage) on or before [publication date + one month] with an emerging⁸⁹ annual housing requirement⁸⁴ that is more than 200 dwellings lower than the relevant Local Housing Need⁸⁶ figure should proceed to examination⁹⁰ within a maximum of 18 months from [publication date].

229. For Spatial Development Strategies, this Framework applies to strategies that reach consultation under section 335(2) of the Greater London Authority Act 1999 on or after [publication date + one month]. Strategies that reach this stage on or before this date will be examined under the relevant previous version of the Framework.

~~229. For the purposes of the policy on renewable and low carbon energy and heat in plans in paragraph 160 apply to plans that have reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage, or that reach this stage within three months, of the publication of the previous version. For Spatial Development Strategies, paragraph to strategies that have reached consultation under section 335(2) of the Greater London Authority Act 1999, or that within three months of the date of publication of the previous version of this Framework published on 5 September 2023.~~

exceeds 200 dwellings per annum. Where there is an operative Spatial Development Strategy (SDS) that is less than 5 years old, the SDS will continue to provide the housing requirement for relevant emerging local plans.

⁸⁵ Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

⁸⁶ As published on [insert date] at [insert web link].

⁸⁷ Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012

⁸⁸ The policies in the version of this Framework (published on 19 December 2023) may apply for the purpose of preparing plans that reach or reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage between 19 March 2024 and [publication date plus one month].

⁸⁹ Set out in the most recent Regulation 19 (pre-submission stage) consultation.

⁹⁰ Meaning the plan has reached Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

a.

~~226.230.~~ 230. For the purposes of the policy on larger-scale development in paragraph 22, this applies only to plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage at the point the previous version of this Framework was published on 20 July 2021 (for Spatial Development Strategies this would refer to consultation under section 335(2) of the Greater London Authority Act 1999).

~~230.~~ The policies in this Framework (published on 19 December 2023) will apply for the purpose of examining plans, where those plans reach regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage after 19 March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements. For Spatial Development Strategies, this Framework applies to strategies that have reached consultation under section 335(2) of the Greater London Authority Act 1999 after 19 March 2024. Strategies that reach this stage on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements. Where plans or strategies are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan or strategy produced for the area concerned.

~~227.231.~~ 231. The policies in the original National Planning Policy Framework published in March 2012 will apply for the purpose of examining plans, where those plans were submitted on or before 24 January 2019, unless such plans are withdrawn or otherwise do not proceed to become part of the development plan.

~~228.232.~~ 232. Where plans or strategies are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan or strategy produced for the area concerned.

~~229.233.~~ 233. The Government will continue to explore with individual areas the potential for planning freedoms and flexibilities, for example where this would facilitate an increase in the amount of housing that can be delivered.

Annex 2: Glossary

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions⁹¹:

a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) **First Homes:** [is as set out in the 'Affordable Homes Update' Written Ministerial Statement dated 24 May 2021. First Homes come forward through the First Homes exception sites and through developer contributions.](#)

~~**Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.~~

b)c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

e)d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

Air quality management areas: Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.

Ancient or veteran tree: A tree which, because of its age, size and condition, is of

⁹¹ This definition should be read in conjunction with relevant policy contained in the Affordable Homes Update Written Ministerial Statement published on 24 May 2021.

exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

Ancient woodland: An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).

~~**Annual position statement:** A document setting out the 5 year housing land supply position on 1st April each year, prepared by the local planning authority in consultation with developers and others who have an impact on delivery.~~

Archaeological interest: There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.

Article 4 direction: A direction made under [Article 4 of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) which withdraws permitted development rights granted by that Order.

Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification.

Brownfield land: See Previously developed land.

Brownfield land registers: Registers of previously developed land that local planning authorities consider to be appropriate for residential development, having regard to criteria in the Town and Country Planning (Brownfield Land Registers) Regulations 2017. Local planning authorities will be able to trigger a grant of permission in principle for residential development on suitable sites in their registers where they follow the required procedures.

Build to Rent: Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.

Climate change adaptation: Adjustments made to natural or human systems in response to the actual or anticipated impacts of climate change, to mitigate harm or exploit beneficial opportunities.

Climate change mitigation: Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions.

Coastal change management area: An area identified in plans as likely to be affected by physical change to the shoreline through erosion, coastal landslip, permanent inundation or coastal accretion.

Community forest: An area identified through the England Community Forest Programme to revitalise countryside and green space in and around major conurbations.

Community Right to Build Order: An Order made by the local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a site-specific development proposal or classes of development.

Community-led developments: A development instigated and taken forward by a not-for-profit organisation ~~set up and~~ that is primarily for the purpose of meeting the housing needs of its members and the wider local community, rather than being a primarily commercial enterprise. The organisation is created, managed and democratically controlled by its members. It may take any one of various legal forms including a community land trust, housing co-operative and community benefit society. Membership of the organisation is open to all beneficiaries and prospective beneficiaries of that organisation. The organisation should own, manage or steward the homes in a manner consistent with its purpose, for example through a mutually supported arrangement with a Registered Provider of Social Housing. The benefits of the development to the specified community should be clearly defined and consideration given to how these benefits can be protected over time, including in the event of the organisation being wound up.

Competent person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

Conservation (for heritage policy): The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

Decentralised energy: Local renewable and local low carbon energy sources.

Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

Design code: A set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should build upon a design vision, such as a masterplan or other design and development framework for a site or area.

Design guide: A document providing guidance on how development can be carried out in accordance with good design practice, often produced by a local authority.

Designated heritage asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

Designated rural areas: National Parks, Areas of Outstanding Natural Beauty and areas designated as 'rural' under Section 157 of the Housing Act 1985.

Developable: To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

Development plan: Is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be made.

Edge of centre: For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

Environmental impact assessment: A procedure to be followed for certain types of project to ensure that decisions are made in full knowledge of any likely significant effects on the environment.

Essential local workers: Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

General aviation airfields: Licenced or unlicenced aerodromes with hard or grass runways, often with extensive areas of open land related to aviation activity.

Geodiversity: The range of rocks, minerals, fossils, soils and landforms.

Green infrastructure: A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

Grey belt: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the green belt comprising Previously Developed Land and any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes (as defined in para 140 of this Framework), but excluding those areas or assets of particular importance listed in footnote 7 of this Framework (other than land designated as Green Belt).

Habitats site: Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.

Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

Heritage coast: Areas of undeveloped coastline which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors.

Historic environment: All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

Historic environment record: Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.

Housing Delivery Test: Measures net homes delivered in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England annually.

International, national and locally designated sites of importance for biodiversity: All international sites (Special Areas of Conservation, Special Protection Areas, and Ramsar sites), national sites (Sites of Special Scientific Interest) and locally designated sites including Local Wildlife Sites.

Irreplaceable habitat: Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.

Local Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a specific development proposal or classes of development.

Local Enterprise Partnership: A body, designated by the Secretary of State for Housing, Communities and Local Government, established for the purpose of creating or improving the conditions for economic growth in an area.

Local housing need: The number of homes identified as being needed through the application of the standard method set out in national planning guidance ~~(or, in the context of preparing strategic policies only, this may be calculated using a justified alternative approach as provided for in paragraph 61 of this Framework).~~

Local Nature Partnership: A body, designated by the Secretary of State for Environment, Food and Rural Affairs, established for the purpose of protecting and improving the natural environment in an area and the benefits derived from it.

Local planning authority: The public authority whose duty it is to carry out specific

planning functions for a particular area. All references to local planning authority include the district council, London borough council, county council, Broads Authority, National Park Authority, the Mayor of London and a development corporation, to the extent appropriate to their responsibilities.

Local plan: A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two.

Main town centre uses: 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).

Major development⁹²: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Major hazard sites, installations and pipelines: Sites and infrastructure, including licensed explosive sites and nuclear installations, around which Health and Safety Executive (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply.

Mansard roof: A type of roof that is characterised by two slopes, the lower steep and the upper shallow. It is generally regarded as a suitable type of roof extension for buildings which are part of a terrace of at least three buildings and at least two stories tall, with a parapet running the entire length of the front façade (reference: Create Streets, 2021, *Living Tradition*).

Minerals resources of local and national importance: Minerals which are necessary to meet society's needs, including aggregates, brickclay (especially Etruria Marl and fireclay), silica sand (including high grade silica sands), coal derived fly ash in single use deposits, cement raw materials, gypsum, salt, fluorspar, shallow and deep-mined coal, oil and gas (including conventional and unconventional hydrocarbons), tungsten, kaolin, ball clay, potash, polyhalite and local minerals of importance to heritage assets and local distinctiveness.

Mineral Consultation Area: a geographical area based on a Mineral Safeguarding Area, where the district or borough council should consult the Mineral Planning Authority for any proposals for non-minerals development.

Mineral Safeguarding Area: An area designated by minerals planning authorities which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development.

⁹² Other than for the specific purposes of paragraphs 182 and 183 in this Framework.

National trails: Long distance routes for walking, cycling and horse riding.

Natural Flood Management: managing flood and coastal erosion risk by protecting, restoring and emulating the natural 'regulating' function of catchments, rivers, floodplains and coasts.

Nature Recovery Network: An expanding, increasingly connected, network of wildlife-rich habitats supporting species recovery, alongside wider benefits such as carbon capture, water quality improvements, natural flood risk management and recreation. It includes the existing network of protected sites and other wildlife rich habitats as well as and landscape or catchment scale recovery areas where there is coordinated action for species and habitats.

Neighbourhood Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) through which parish councils and neighbourhood forums can grant planning permission for a specific development proposal or classes of development.

Neighbourhood plan: A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.

Non-strategic policies: Policies contained in a neighbourhood plan, or those policies in a local plan that are not strategic policies.

Older people: People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.

Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Original building: A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

Out of centre: A location which is not in or on the edge of a centre but not necessarily outside the urban area.

Out of town: A location out of centre that is outside the existing urban area.

Outstanding universal value: Cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations. An individual Statement of Outstanding Universal Value is agreed and adopted by the UNESCO World Heritage Committee for each World Heritage Site.

People with disabilities: People have a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental

health needs.

Permission in principle: A form of planning consent which establishes that a site is suitable for a specified amount of housing-led development in principle. Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed.

Planning condition: A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order.

Planning obligation: A legal agreement entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.

Playing field: The whole of a site which encompasses at least one playing pitch as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Primary shopping area: Defined area where retail development is concentrated.

Priority habitats and species: Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

Ramsar sites: Wetlands of international importance, designated under the 1971 Ramsar Convention.

Renewable and low carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

Recycled aggregates: aggregates resulting from the processing of inorganic materials

previously used in construction, e.g. construction and demolition waste.

Safeguarding zone: An area defined in Circular 01/03: *Safeguarding aerodromes, technical sites and military explosives storage areas*, to which specific safeguarding provisions apply.

Secondary aggregates: aggregates from industrial wastes such as glass (cullet), incinerator bottom ash, coal derived fly ash, railway ballast, fine ceramic waste (pitcher), and scrap tyres; and industrial and minerals by-products, notably waste from china clay, coal and slate extraction and spent foundry sand. These can also include hydraulically bound materials.

Self-build and custom-build housing: Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.

Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.

Special Areas of Conservation: Areas defined by regulation 3 of the Conservation of Habitats and Species Regulations 2017 which have been given special protection as important conservation sites.

Special Protection Areas: Areas classified under regulation 15 of the Conservation of Habitats and Species Regulations 2017 which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds.

Site investigation information: Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 Investigation of Potentially Contaminated Sites – Code of Practice).

Site of Special Scientific Interest: Sites designated by Natural England under the Wildlife and Countryside Act 1981.

Spatial development strategy: A plan containing strategic policies prepared by a Mayor or a combined authority. It includes the London Plan (prepared under provisions in the Greater London Authority Act 1999) and plans prepared by combined authorities that have been given equivalent plan-making functions by an order made under the Local

Democracy, Economic Development and Construction Act 2009 (as amended).

Stepping stones: Pockets of habitat that, while not necessarily connected, facilitate the movement of species across otherwise inhospitable landscapes.

Strategic environmental assessment: A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Strategic policies: Policies and site allocations which address strategic priorities in line with the requirements of Section 19 (1B-E) of the Planning and Compulsory Purchase Act 2004.

Strategic policy-making authorities: Those authorities responsible for producing strategic policies (local planning authorities, and elected Mayors or combined authorities, where this power has been conferred). This definition applies whether the authority is in the process of producing strategic policies or not.

Supplementary planning documents: Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Sustainable transport modes: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra low and zero emission vehicles, car sharing and public transport.

Town centre: 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. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.

Transport assessment: A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies measures required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport, and measures that will be needed deal with the anticipated transport impacts of the development.

Transport statement: A simplified version of a transport assessment where it is agreed the transport issues arising from development proposals are limited and a full transport assessment is not required.

Travel plan: A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives and is regularly reviewed.

Wildlife corridor: Areas of habitat connecting wildlife populations.

Windfall sites: Sites not specifically identified in the development plan.

Annex 3: Flood risk vulnerability classification

ESSENTIAL INFRASTRUCTURE

- Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk.
- Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including infrastructure for electricity supply including generation, storage and distribution systems; and water treatment works that need to remain operational in times of flood.
- Wind turbines.
- Solar farms

HIGHLY VULNERABLE

- Police and ambulance stations; fire stations and command centres; telecommunications installations required to be operational during flooding.
- Emergency dispersal points.
- Basement dwellings.
- Caravans, mobile homes and park homes intended for permanent residential use.
- Installations requiring hazardous substances consent. (Where there is a demonstrable need to locate such installations for bulk storage of materials with port or other similar facilities, or such installations with energy infrastructure or carbon capture and storage installations, that require coastal or water-side locations, or need to be located in other high flood risk areas, in these instances the facilities should be classified as 'Essential Infrastructure'.)

MORE VULNERABLE

- Hospitals
- Residential institutions such as residential care homes, children's homes, social services homes, prisons and hostels.
- Buildings used for dwelling houses, student halls of residence, drinking establishments, nightclubs and hotels.
- Non-residential uses for health services, nurseries and educational establishments.
- Landfill* and sites used for waste management facilities for hazardous waste.
- Sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan.

LESS VULNERABLE

- Police, ambulance and fire stations which are not required to be operational during flooding.

- Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure.
- Land and buildings used for agriculture and forestry.
- Waste treatment (except landfill* and hazardous waste facilities).
- Minerals working and processing (except for sand and gravel working).
- Water treatment works which do not need to remain operational during times of flood.
- Sewage treatment works, if adequate measures to control pollution and manage sewage during flooding events are in place.
- Car parks.

WATER-COMPATIBLE DEVELOPMENT

- Flood control infrastructure.
- Water transmission infrastructure and pumping stations.
- Sewage transmission infrastructure and pumping stations.
- Sand and gravel working.
- Docks, marinas and wharves.
- Navigation facilities.
- Ministry of Defence installations.
- Ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location.
- Water-based recreation (excluding sleeping accommodation).
- Lifeguard and coastguard stations.
- Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms.
- Essential ancillary sleeping or residential accommodation for staff required by uses in this category, subject to a specific warning and evacuation plan.

* Landfill is as defined in Schedule 10 of the Environmental Permitting (England and Wales) Regulations 2010.

Annex 4: Viability in relation to Green Belt release

- 1) To determine land value for a viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a reasonable and proportionate premium for the landowner. For the purposes of plan-making and decision-taking, it is considered that a benchmark land value of [xxxx] allows an appropriate premium for landowners. Local planning authorities should set benchmark land values informed by this, and by local material considerations.
- 2) When determining planning applications, if land released from Green Belt is transacted above the benchmark land value and cannot deliver policy-compliant development, then planning permission should not be granted, subject to other material considerations.
- 3) Where policy compliant development can be delivered, viability assessment should not be undertaken, irrespective of the price at which land is transacted, and higher levels of affordable housing should not be sought on the grounds of viability.
- 4) Where land is transacted below the benchmark land value but still cannot deliver policy-compliant development, it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. Where a viability negotiation to reduce policy delivery has been undertaken, a late-stage review should be conducted to assess whether further contributions are required.



Ministry of Housing, Communities & Local Government

Rt Hon Angela Rayner MP

*Deputy Prime Minister and Secretary of State for
Housing, Communities & Local Government*

2 Marsham Street
London
SW1P 4DF

To: all local authority Leaders in England

Cc: all local authority Chief Executives in
England

30 July 2024

Playing your part in building the homes we need

Earlier today, I set out to the House of Commons the Government's plan to build the homes this country so desperately needs. Our plan is ambitious, it is radical, and I know it will not be without controversy – but as the Prime Minister said on the steps of Downing Street, our work is urgent, and in few areas is that urgency starker than in housing.

As the Leaders and Chief Executives of England's local authorities, you know how dire the situation has become and the depth of the housing crisis in which we find ourselves as a nation. You see it as you place record numbers of homeless children in temporary accommodation; as you grapple with waiting lists for social housing getting longer and longer; and as your younger residents are priced out of home ownership.

It is because of this I know that, like every member of the Government, you will feel not just a professional responsibility but a moral obligation to see more homes built. To take the tough choices necessary to fix the foundations of our housing system. And we will only succeed in this shared mission if we work together – because it falls to you and your authorities not only to plan for the houses we need, but also to deliver the affordable and social housing that can provide working families with a route to a secure home.

To that end, and in a spirit of collaboration and of shared endeavour, I wanted to set out the principal elements of our plan – including what you can expect of the Government, and what we are asking of you.

Universal coverage of local plans

I believe strongly in the plan making system. It is the right way to plan for growth and environmental enhancement, ensuring local leaders and their communities come together to agree the future of their areas. Once in place, and kept up to date, local plans provide the stability and certainty that local people and developers want to see our planning system deliver. In the absence of a plan, development will come forward on a piecemeal basis, with much less public engagement and fewer guarantees that it is the best outcome for your communities.

That is why **our goal has to be for universal coverage of ambitious local plans as quickly as possible**. I would therefore like to draw your attention to the proposed timelines for plan-making set out in Chapter 12 of the National Planning Policy Framework (NPPF) consultation. My objective is to drive all plans to adoption as fast as possible, with the goal of achieving universal plan coverage in this Parliament, while making sure that these plans are sufficiently ambitious.

This will of course mean different things for different authorities.

- For **plans at examination** this means allowing them to continue, although where there is a significant gap between the plan and the new local housing need figure, we will expect authorities to begin a plan immediately in the new system.
- For **plans at an advanced stage of preparation** (Regulation 19), it means allowing them to continue to examination unless there is a significant gap between the plan and the new local housing need figure, in which case we propose to ask authorities to rework their plans to take account of the higher figure.
- **Areas at an earlier stage of plan development**, should prepare plans against the revised version of the National Planning Policy Framework and progress as quickly as possible.

I understand that will delay the adoption of some plans, but I want to balance keeping plans flowing to adoption with making sure they plan for sufficient housing. I also know that going back and increasing housing numbers will create additional work, which is why we will provide financial support to those authorities asked to do this. The Government is committed to taking action to ensure authorities have up-to-date local plans in place, supporting local democratic engagement with how, not if, necessary development should happen. On that basis, and while I hope the need will not arise, I will not hesitate to use my powers of intervention should it be necessary to drive progress – including taking over an authority's plan making directly. The consultation we have published today sets out corresponding proposals to amend the local plan intervention criteria.

We will also empower Inspectors to be able to take the tough decisions they need to at examination, by being clear that they should not be devoting significant time and energy during an examination to 'fix' a deficient plan – in turn allowing Inspectors to focus on those plans that are capable of being found sound and can be adopted quickly.

Strategic planning

We know however that whilst planning at the local authority level is critical, it's not enough to deliver the growth we want to see. That is why the Government was clear in the Manifesto that housing need in England cannot be met without planning for growth on a larger than local scale, and that it will be necessary to introduce effective new mechanisms for cross-boundary strategic planning.

This will play a vital role in delivering sustainable growth and addressing key spatial issues – including meeting housing needs, delivering strategic infrastructure, building the economy, and improving climate resilience. Strategic planning will also be important in planning for local growth and Local Nature Recovery Strategies.

We will therefore take the steps necessary to enable universal coverage of strategic planning within this Parliament, which we will formalise in legislation. This model will support elected Mayors in overseeing the development and agreement of Spatial Development Strategies (SDSs) for their areas. The Government will also explore the most effective arrangements for developing SDSs outside of mayoral areas, in order that we can achieve universal coverage in England, recognising that we will need to consider both the appropriate geographies to use to cover functional economic areas, and the right democratic mechanisms for securing agreement.

Across all areas, these arrangements will encourage partnership working but we are determined to ensure that, whatever the circumstances, SDSs can be concluded and adopted. The Government will work with local leaders and the wider sector to consult on, develop and test these arrangements in the months ahead before legislation is introduced, including consideration of the capacity and capabilities needed such as geospatial data and digital tools.

While this is the right approach in the medium-term, we do not want to wait where there are opportunities to make progress now. We are therefore also taking three immediate steps.

- First, in addition to the continued operation of the duty to cooperate in the current system, we are strengthening the position in the NPPF on cooperation between authorities, in order to ensure that the right engagement is occurring on the sharing of unmet housing need and other strategic issues where plans are being progressed in the short-term.
- Second, we will work in concert with Mayoral Combined Authorities to explore extending existing powers to develop an SDS.
- Third, we intend to identify priority groupings of other authorities where strategic planning – and in particular the sharing of housing need – would provide particular benefits, and engage directly with the authorities concerned to structure and support this cooperation, using powers of intervention as and where necessary.

Housing targets

Underpinning plan making – at the strategic and local level – must be suitably ambitious housing targets. That is why we have confirmed today that we intend to **restore the standard method as the required approach for assessing housing needs and planning for homes**, and reverse the wider changes made to the NPPF in December 2023 that were detrimental to housing supply.

But simply going back to the previous position is not enough, because it failed to deliver enough homes. So, we are also consulting on a **new standard method** to ensure local plans are ambitious enough to support the Government's commitment to build 1.5 million new homes over the next five years. The new method sees a distribution that will drive growth in every corner of the country. This includes a stretching yet credible target for London, with what was previously unmet need in the capital effectively reallocated to see homes built in areas where they will be delivered. The new method increases targets across all other regions relative to the existing one, and significantly boosts expectations across our city regions – with targets in Mayoral Combined Authority areas on average growing by more than 30%.

I want to be clear that local authorities will be **expected to make every effort to allocate land in line with their housing need as per the standard method**, noting it is possible to justify a lower housing requirement than the figure the method sets on the basis of local constraints on land and delivery, such as flood risk. Any such justification will need to be evidenced and explained through consultation and examination, and local authorities that cannot meet their development needs will have to demonstrate how they have worked with other nearby authorities to share that unmet need.

And we are also committed to making sure that **the right kind of homes are delivered through our planning system as quickly as possible**. That is why we are proposing to remove the prescriptive approach to affordable home ownership products, which can squeeze out Social and Affordable rent homes despite acute need. This will free authorities to secure more Social Rent homes, ensuring you get the homes you need in your local areas. We also want to promote the delivery of mixed use sites which can include a variety of ownership and rental tenures, including rented affordable housing and build to rent, and which provide a range of benefits – including creating diverse communities and supporting timely build out rates.

Green Belt and Grey Belt

If targets tell us what needs to be built, the next step is to make sure we are building in the right places. The first port of call is rightly brownfield land, and we have proposed some changes today to support such development.

But brownfield land can only be part of the answer, which is why we are consulting on changes that would see councils **required to review boundaries and release Green Belt land where necessary to meet unmet housing or commercial need**.

I want to be clear that this Government is committed to protecting nature. That is why land safeguarded for environmental reasons will maintain its existing protections. But we know that large parts of the Green Belt have little ecological value and are inaccessible to the public, and that the development that happens under the existing framework can be haphazard – too often lacking the affordable homes and wider infrastructure that communities need. Meanwhile, low quality parts of the Green Belt, which we have termed ‘grey belt’ and which make little contribution to Green Belt purposes, like disused car parks and industrial estates, remain undeveloped.

We will therefore ask authorities to prioritise sustainable development on previously developed land and other low quality ‘grey belt’ sites, before looking to other sustainable locations for meeting this need. We want decisions on where to release land to remain locally led, as we believe that local authorities are in the best position to judge what land within current Green Belt boundaries will be most suitable for development. But we also want to ensure enough land is identified in the planning system to meet housing and commercial need, and so we have proposed a clear route to bringing forward schemes on ‘grey belt’ land outside the plan process where delivery falls short of need.

To make sure development on the Green Belt truly benefits your communities, we are also **establishing firm golden rules**, with a target of at least 50% of the homes onsite being affordable, and a requirement that all developments are supported by the infrastructure needed – including GP surgeries, schools and transport links - as well as greater provision of accessible green space.

Growth supporting infrastructure

Building more homes is fundamental to unlocking economic growth, but we need to do so much more. That is why we are also proposing changes to make it **easier to build growth-supporting infrastructure** such as laboratories, gigafactories, data centres, electricity grid connections and the networks that support freight and logistics – and seeking views on whether we should include some of these types of projects in the Nationally Significant Infrastructure Projects regime.

Having ended the ban on onshore wind on our fourth day in office, we are also proposing to: boost the weight that planning policy gives to the benefits associated with **renewables**; bring larger scale onshore wind projects back into the Nationally Significant Infrastructure Projects regime; and change the threshold for solar development to reflect developments in solar technology. In addition, we are testing whether to bring a broader definition of water infrastructure into the scope of the Nationally Significant Infrastructure Projects regime.

And recognising the role that planning plays in the **broader needs of communities**, we are proposing a number of changes to: support new, expanded or upgraded public service infrastructure; take a vision-led approach to transport planning, challenging the now outdated default assumption of automatic traffic growth; promote healthy communities, in particular tackling the scourge of childhood obesity; and boost the provision of much needed facilities for early-years childcare and post-16 education.

Capacity and fees

I recognise that delivering on the above ambition will demand much from you and your teams, and your capacity is strained. We want to **see planning services put on a more sustainable footing**, which is why we are consulting on whether to use the Planning and Infrastructure Bill to allow local authorities to set their own fees, better reflecting local costs and reducing financial pressures on local authority budgets.

While legislative change is important, we also do not want to wait to get extra resource into planning departments – which is why I am consulting on increasing planning fees for householder applications and other applications, that for too long have been well below cost recovery. We know that we are asking a lot more of local authorities, and we are clear that this will only be possible if we find a way to give more resource.

It is also important that you are supported in the critical role you play when the infrastructure needed to kickstart economic growth and make Britain a clean energy superpower is being consented under the Nationally Significant Infrastructure Projects regime. I am therefore consulting on whether to make provision to allow host upper and lower tier (or unitary) authorities to recover costs for relevant services provided in relation to applications, and proposed applications, for development consent.

Social and affordable housing

Overhauling our planning system is key to delivering the 1.5 million homes we have committed to build over the next five years – but it is not enough. We need to diversify supply, and I want to make sure that you have the tools and support needed to deliver quality affordable and social housing, reversing the continued decline in stock. This is vital to help you manage local pressures, including tackling and preventing homelessness.

Within the current Affordable Homes Programme (AHP), we know that particularly outside London, almost all of the funding for the 2021-2026 AHP is contractually committed. That is why I have confirmed that we will **press Homes England and the Greater London Authority (GLA) to maximise the number of Social Rent homes in allocating the remaining funding.**

The Government will also bring forward details of future Government investment in social and affordable housing at the Spending Review, so that social housing providers can plan for the future and help deliver **the biggest increase in affordable housebuilding in a generation.** We will work with Mayors and local areas to consider how funding can be used in their areas and support devolution and local growth.

In addition, I have confirmed that the Local Authority Housing Fund (LAHF) 3 will be going ahead, with £450 million provided to councils to acquire and create homes for families at risk of homelessness. This will create over 2,000 affordable homes for some of the most vulnerable families in society.

I recognise that councils and housing associations need support to build their capacity if they are to make a greater contribution to affordable housing supply. We will set out plans at the next fiscal event to **give councils and housing associations the rent stability they need** to be able to borrow and invest in both new and existing homes, while also ensuring that there are appropriate protections for both existing and future social housing tenants.

As we work to build more affordable homes, we also need to do better at maintaining our existing stock – which is why I have announced three updates on the Right to Buy scheme:

- First, we have started to review the increased Right to Buy discounts introduced in 2012, and we will bring forward secondary legislation to implement changes in the autumn;
- Second, we will review Right to Buy more widely, including looking at eligibility criteria and protections for new homes, bringing forward a consultation also in the autumn; and
- Third, we are increasing the flexibilities that apply to how councils can use their Right to Buy receipts.

With respect to the third point, from today we are removing the caps on the percentage of replacements delivered as acquisitions (which was previously 50%) and the percentage cost of a replacement home that can be funded using Right to Buy receipts (which was also previously 50%). Councils will also now be able to combine Right to Buy receipts with section 106 contributions. These flexibilities will be in place for an initial 24 months, subject to review. My department will be writing to stock-holding local authorities with more details on the changes, and I would encourage you to make the best use of these flexibilities to maximise Right to Buy replacements and to achieve the right balance between acquisitions and new builds.

Finally, I would like to emphasise the importance of homes being decent, safe and warm. That is why this Government will introduce Awaab's Law into the social rented sector. We will set out more detail and bring forward the secondary legislation to implement this in due course. We also intend to bring forward more detail in the autumn on our plans to raise standards and strengthen residents' voices.

Next phase of reform

The action we have announced today will get us building, but as I said to the House of Commons it represents only a downpayment on our ambitions.

As announced in the King's Speech, we will introduce a Planning and Infrastructure Bill later in the first session, which will: modernise planning committees by introducing a national scheme of delegation that focuses their efforts on the applications that really matter, and places more trust in skilled professional planners to do the rest; enable local authorities to put their planning departments on a sustainable footing; further reform compulsory purchase compensation rules to ensure that what is paid to landowners is fair but not excessive; streamline the delivery process for critical infrastructure; and provide any necessary legal underpinning to ensure we can use development to fund nature recovery where currently both are stalled.

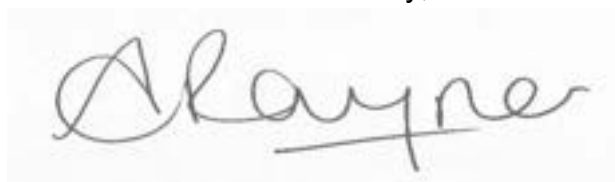
We will consult on the right approach to strategic planning, in particular how we structure arrangements outside of Mayoral Combined Authorities, considering both the right geographies and democratic mechanisms.

We will say more imminently about how we intend to deliver on our commitment to build a new generation of new towns. This will include large-scale new communities built on greenfield land and separated from other nearby settlements, but also a larger number of urban extensions and urban regeneration schemes that will work with the grain of development in any given area.

And because we know that the housing crisis cannot be fixed overnight, the Government will publish a long-term housing strategy, alongside the Spending Review, which the Chancellor announced yesterday.

We have a long way to go, but I hope today proves to be a major first step for all of us as we seek to put the housing crisis behind us. I look forward to working with you all, and am confident that together, we can achieve significant improvements that will benefit our citizens.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'A Rayner', written in black ink on a light-colored background.

RT HON ANGELA RAYNER MP

Deputy Prime Minister and Secretary of State for Housing, Communities & Local Government



Ministry of Housing,
Communities &
Local Government

Matthew Pennycook MP
Minister of State
2 Marsham Street
London
SW1P 4DF

Paul Morrison
Chief Executive
The Planning Inspectorate

30 July 2024

By email

Dear Paul

The Government knows how essential it is that local authorities have an up-to-date local plan in place as a basis for making sustainable decisions about the future of our cities, towns and countryside. We are committed to the plan making system; it is the right way to plan for the growth and environmental enhancement our country needs – by bringing local authorities and their communities together to agree the future of their areas.

I fully recognise the crucial role that the Planning Inspectorate plays in this, through the examination of plans impartially and publicly to ensure that they are legally compliant and sound. The work that the Inspectors do through Advisory Visits also helps to ensure those plans that are submitted have the best chance of being found sound.

However, we cannot ignore the fact that the length of examinations has been increasing, from 65 weeks on average in 2016 to 134 weeks in 2022.

In 2015, the Government set out an expectation that Inspectors should operate "pragmatically" during local plan examinations to allow deficient plans to be 'fixed' at examination. This has gone too far and has perversely led to years of delays to local plan examinations without a guarantee that the plans will ever be found sound, or that the local authorities will take the decisions necessary to get them over the line. This has to end.

Section 20 of the Planning and Compulsory Purchase Act 2004 provides that a local planning authority must not submit a local plan unless they have complied with relevant legislative requirements, and they think the plan is ready for independent examination by a Planning Inspector. Accordingly, an authority should not be submitting for examination a deficient plan believing the Inspector will use significant time and resource during the examination to 'fix' it.

Noting this concern, there is a role for Inspectors in ensuring plans that are submitted are capable of being found sound, which is why I would strongly encourage the Planning Inspectorate to continue supporting local authorities through Advisory Visits to ensure effective preparation for the examination process.

I also want to empower Inspectors to be able to take the tough decisions they need to at examination, to ensure they can focus their time on those plans that are capable of being found

sound and to realise this Government's aim of universal plan coverage. For this reason, I am writing formally to set out the Government's expectations on how examinations should be conducted in this respect.

Pragmatism should be used only where it is likely a plan is capable of being found sound with limited additional work to address soundness issues. Any pauses to undertake additional work should usually take no more than six months overall. Pragmatism should not be used to address fundamental issues with the soundness of a plan, which would be likely to require pausing or delaying the examination process for more than six months overall. Local authorities should provide regular progress updates of their work to the Planning Inspector during any agreed pause.

Any extensions to the six-month pause should only be allowed at Inspectors' discretion to deliver adopted local plans under the current system. In agreeing extensions, the Inspector should be confident that the local authority can complete any outstanding work in the agreed timeframe.

This new approach will apply to all plans with immediate effect. Existing pauses already agreed by an Inspector should remain in place unless the Inspector considers there is insufficient progress being made.

This will enable Inspectors to focus their valuable time and resources on those plans that are capable of being found sound and can be adopted quickly to provide certainty to local communities. Where a plan is unable to be found sound, the local authority will need to work in partnership with their local community to bring forward a new plan.

I would be grateful if you could ensure that Inspectors are aware of these changes and that you update your procedural guidance and support to Inspectors accordingly, as they continue their critical role in examining plans to support our ambition of universal coverage of local plans.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. Pennycook', with a large, sweeping flourish extending to the right.

MATTHEW PENNYCOOK MP
Minister of State

SITE LOCATION PLAN

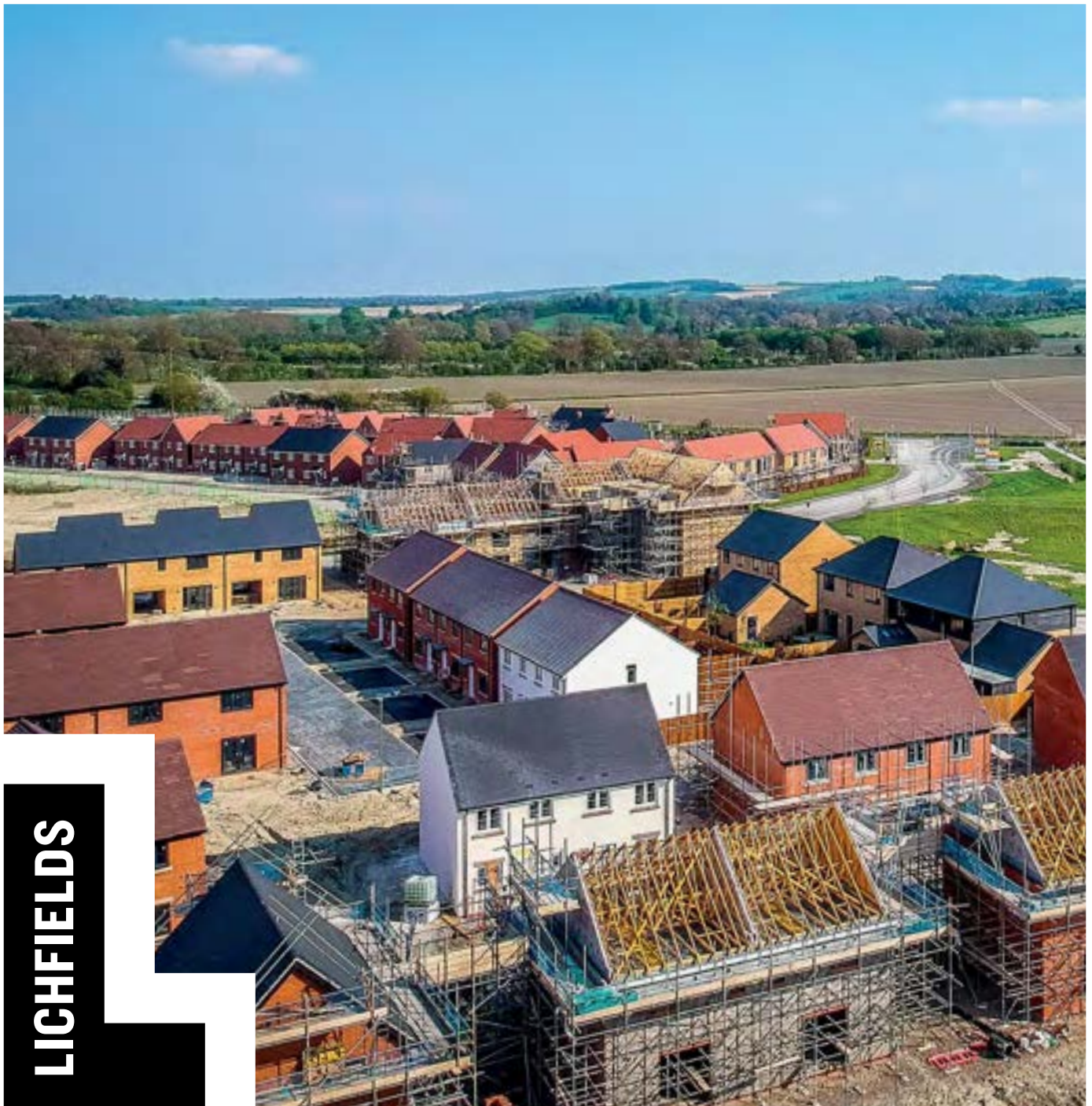


INSIGHT
MARCH 2024

Start to Finish

How quickly do large-scale housing sites deliver?

THIRD EDITION



LICHFIELDS

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Executive summary

This is the third edition of Start to Finish. The purpose of this research remains to help inform the planning system and policy makers in considering the approach to planning for new homes. The empirical evidence we produced in the first two versions has informed numerous local plan examinations, S.78 inquiries and five-year land supply statements.

Things have moved on notably since the second edition in 2020. Plan making and decision taking have slowed, the housing market no longer benefits from Help to Buy or cheap mortgage rates and the perennial concern about perceived land banking has been comprehensively rebutted by the Competition and Markets Authority (CMA). As we approach a general election, and with no end to the housing crisis, the boosting of housing delivery to achieve 300,000 homes per annum through a new generation of Local Plans (prepared under the Levelling Up and Regeneration Act) faces renewed focus. It is therefore timely to refresh the evidence on the delivery of large-scale housing sites, which – with our enlarged sample – now considers real-world implementation across 179 sites of over 500 dwellings.

We draw six key conclusions:

- 1. Only sites of 99 dwellings or fewer can, on average, be expected to deliver anything in a five-year period from validation of a planning application, with delivery of the first dwelling on average taking 3.8 years.** By comparison, sites of 1,000+ dwellings take on average five years to obtain detailed planning permission, then a further 1.3 - 1.6 years to deliver the first dwelling.

- 2. Mean annual build-out rates on large sites have dipped slightly for all site sizes compared to previous editions of this research but are broadly comparable.** The slight dip may capture characteristics of newly-surveyed sites, but also extra monitoring years since 2019 that reflect market changes.
- 3. Tough market conditions mean a likely slowing in build-out rates and house building overall.** The impact of the Help to Buy programme ending and increased mortgage rates is not yet showing in completions data, but the effect on transactions has already been significant and the OBR forecast they will fall further in 2024/25.
- 4. Demand is a key driver of build-out rates.** The absorption rate of the local housing market dictates the number of homes a builder will sell at a price consistent with the price they paid for the land. Areas with a higher demand for housing (measured by higher affordability ratios, of house prices to earnings) had higher average annual build-out rates than lower demand areas.
- 5. Variety (of housing type and tenure) is the spice of life.** Schemes with 30% or more affordable housing had faster average annual build-out rates than schemes with a lower percentage, but schemes with no affordable housing at all delivered at a faster pace than schemes with 10 - 29% affordable units. Having additional outlets on site also has a positive impact on build-out rates.
- 6. Large-scale entirely apartment schemes can achieve significant annual build-out rates, but delivery is not always consistent, with 'lumpy' delivery of blocks of apartments and a higher susceptibility to market downturns and other development constraints.** These schemes can also have protracted planning to delivery periods compared to conventional housing schemes of the same size.



Key figures

297

sites assessed, with a combined yield of 387k+ dwellings; 179 of the sites delivering 500+ dwellings

9

solely apartment schemes in urban areas assessed, with a combined yield of 5,300+ units

6.7

median years from validation of the first planning application to the first dwelling being completed on schemes of 2,000 or more dwellings

100-188 dpa

average annual build-out rate range for schemes of 2,000+ dwellings¹

44-83 dpa

average annual build-out rate range for scheme of 500-999 dwellings²

34%

quicker³ to deliver greenfield sites of 500 or more units than their brownfield counterparts

69 dpa

average completion per outlet on sites with one outlet, dropping to 62 dpa for two outlets, and 55 dpa for three outlets

3x longer

planning to delivery periods for brownfield apartment schemes of 500-999 units compared to their conventional housing counterparts

¹ Range is from the lower quartile to upper quartile figures

² As above

³ This is based on the median metric

O1 Introduction

This is the third edition of Lichfields' award winning⁴ research on the build out of large-scale residential development sites.

First published in 2016 and then updated in 2020, the report is established as an authoritative evidence base for considering housing delivery in the context of planning decisions, local plans and public policy debates.

In this update, we have expanded the sample size (with an extra 82 large sites delivering 500 or more dwellings, taking our total to 179 large sites, equivalent to over 365,000 dwellings). Small sites data has also been updated with 118 examples totalling over 22,000 dwellings in this third edition. We have used the latest monitoring data⁵ where available, up to 1st April 2023.

The context for considering the delivery of development sites has evolved since our last edition and this has shaped the focus of our analysis.

In 2020 a recently re-elected Conservative government was gearing up for radical planning reform⁶ including proposals aimed at boosting rates of on-site delivery following Sir Oliver Letwin's independent review of build out⁷. As of 2024, the business models of housebuilders and land promoters - and allegations of perceived 'land banking' - have received fresh examination by the Competition and Markets Authority (CMA) which published its Market Study in February 2024⁸. The CMA found that land banking is a symptom of the planning system rather than a cause of under delivery of housing. We have cross referenced our latest findings with the CMA's work.



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⁴ The first edition was the winner of the 2017 RTP1 Planning Consultancy Research Award

⁵ Some sites have not been updated due to lack of publicly available data. The appendices make clear to which sites this relates

⁶ Leading in due course to the August 2020 Planning White Paper: Planning for the Future

⁷ Published October 2018

⁸ https://assets.publishing.service.gov.uk/media/65d8baed6efa83001ddcc5cd/Housebuilding_market_study_final_report.pdf

The Levelling Up and Regeneration Act ('LURA')⁹ introduced new measures aimed at build-out via the use of Commencement Notices (s111), Progress Reports (s114) and Completion Notices (s112). Regulations to determine the practicalities of these measures are awaited¹⁰ but their design and application will benefit from a sound evidence-based grasp of how strategic housing schemes are implemented.

Our research continues to focus exclusively on what has happened on the ground, how long things took and what has been built. We do not include forecasts of future delivery. Our aim is to provide real-world benchmarks to inform consideration of housing delivery trajectories. This can be particularly relevant in locations with few contemporary examples of strategic-scale development. It also provides some context for when Government considers the recommendations of the CMA.

The research excludes London because of the distinctive characteristics of housing development in the capital. However, our sample does include apartment schemes on brownfield land in regional urban centres. Recent policy shifts – increasing the focus on boosting housing supply on previously-developed sites¹¹ – mean it will become more important to understand the distinctive delivery profile of such schemes.

Finally, the housing market has taken a turn. In 2020, net housing additions in England peaked at 248,500. But in 2024, the market has stuttered with downward pressures on values and sales rates: Help to Buy closed in March 2023, mortgage rates more than doubled in 2022 and remain high and Registered Providers face challenges that limit their ability to invest in new stock. Our report considers how these headwinds may affect annual build-out rates.



⁹ <https://www.legislation.gov.uk/ukpga/2023/55/enacted>

¹⁰ The provisions require secondary legislation which, at the time of writing, has not been published and for which there is no timetable. There is also no guarantee the provisions will ever come into force. Albeit the provisions for making these regulations will come in to force on 31st March and the intentions were set out at the time the Bill was published in the supporting Further Information paper.

¹¹ Including the December 2023 changes to the NPPF, which clarify that the 35% uplift to the Standard Method in the 20 largest urban centres is expected to be delivered in those areas rather than in surrounding areas. In February 2024, the Secretary of State published the review into the London Plan and issued a consultation on 'Strengthening planning policy for brownfield development': <https://www.gov.uk/government/consultations/strengthening-planning-policy-for-brownfield-development>

02 Methodology

This report focuses analysis on the pace at which large-scale housing sites of 500 dwellings or more emerge through the planning system and how quickly they are built out. It identifies the factors which lead to faster or slower rates of delivery, including those impacting specifically on apartment schemes on brownfield sites in urban areas.

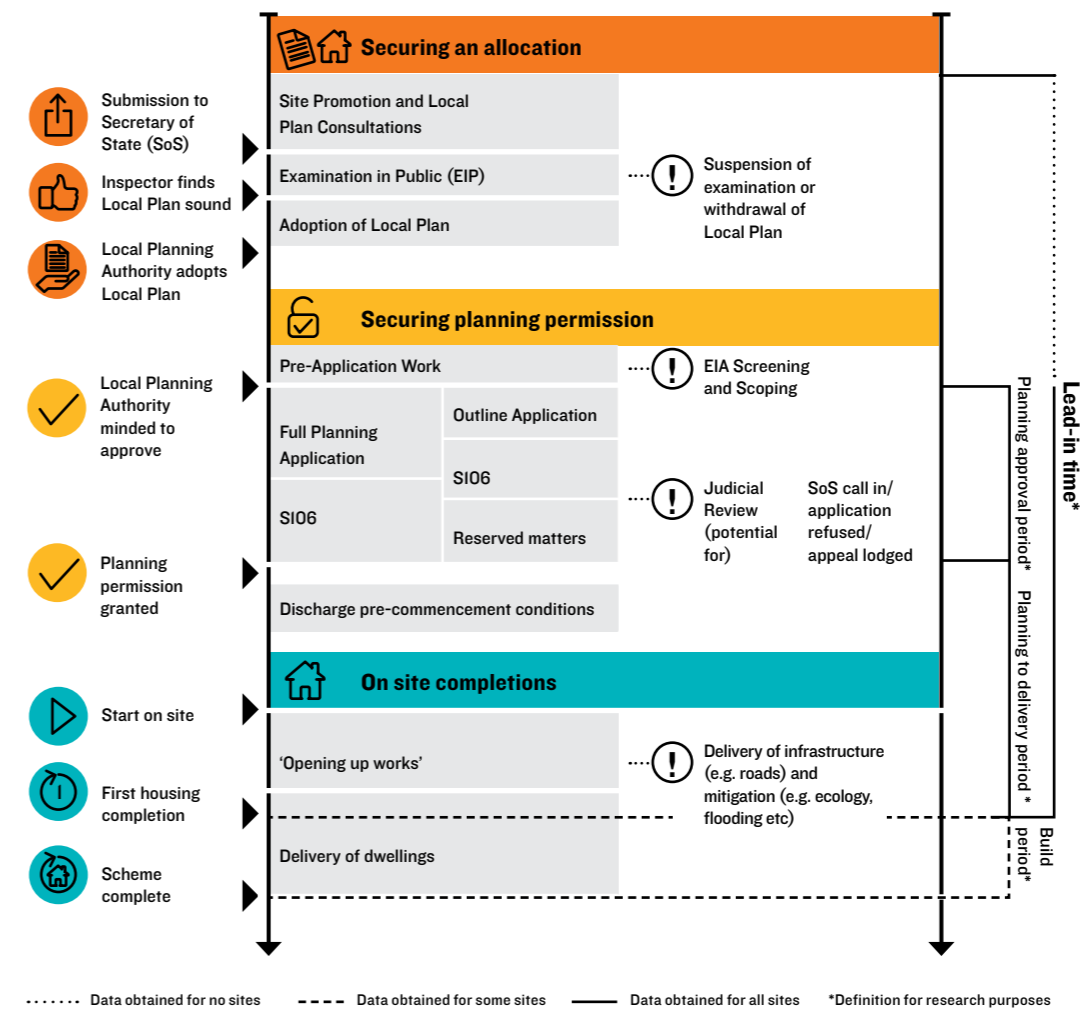
Definitions

For all sites, we look at the full extent of the planning and delivery period. To help structure

the research and provide a basis for standardised measurement and comparison, the development stages have been codified as illustrated in Figure 2.1, which remain unchanged from the previous editions of this research.

The overall 'lead-in time' covers stages associated with securing a local plan allocation, going through the 'planning approval period' and 'planning to delivery period', and ending when the first dwelling is completed. The 'build period' commences when the first dwelling is completed, denoting the end of the lead-in time.

Figure 2.1: Timeline for the delivery of large-scale housing sites



Source: Lichfields analysis

Lead-in time

Securing a development plan allocation is an important stage in the delivery of most large-scale housing sites. However, it is not possible to obtain information on a consistent basis for this process – which can often take decades across multiple plan cycles – and so we have not incorporated it in our analysis. For the purposes of this research the lead-in time reflects only the time from the start of the planning approval period up to the first housing completion.

Planning approval period

The 'planning approval period' begins with the validation date of the first planning application on the site (usually an outline application but sometimes hybrid or full) and extends until the date of the first detailed approval for dwellings on the site (either full, hybrid or reserved matters applications). It is worth noting that applications are typically preceded by significant amounts of (so-called) 'pre-app' engagement and evidence work, but due to a lack of data on these matters, it is not possible to establish a reliable estimate of the time taken on these activities (including through the local plan and pre-application). But the time taken to achieve an implementable planning permission will be markedly longer than we have identified in this study because work inevitably begins prior to the date the planning application is validated.



Planning to delivery period

The 'planning to delivery period' follows the planning approval period and measures the time from the date of the first detailed permission for construction of homes (usually reserved matters but could be a hybrid or full application) to the completion of the first dwelling. The use of the 'completion of the first dwelling' rather than 'works on site' reflects the availability of data: housing completions are routinely publicly recorded by LPAs but the commencement of work on site tends not to be. This allows for a consistent basis for measurement.

We can mostly only identify the monitoring year in which the completion took place, so the mid-point of the monitoring year has been used to calculate the end date of the planning to delivery period. For example, a scheme delivering its first unit in 2014/15 would be recorded as delivering its first unit on 1 October 2014.

For solely apartment schemes this will be slightly different as developers will typically complete an entire block on a single day. This will often mean the 'planning to delivery period' is longer as the first recorded completion for multiple apartments in a newly constructed multi-storey block would require more on-site work than required to complete a single house.

Build period

The annualised build-out rates are recorded for the development up to the latest year where data was available as of April 2023 (2022/23 in most cases). Not every site assessed will have completed its build period as many of the sites we considered had not delivered all dwellings permitted at the time of assessment; some have not delivered any dwellings.

We anticipate multi-phased apartment schemes will have more 'lumpy' completions data as entire blocks are recorded as having been completed on the same day. This could mean years with high delivery preceded and/or followed by more fallow years.

Detailed definitions of each of these stages can be found in Appendix 1.



Development and data

Our analysis focuses on larger sites of 500 or more dwellings, but we have also considered data from smaller sites ranging from 50-499 dwellings for comparison and to identify trends. The geographic distribution of sites assessed is shown in Figure 2.2 and a full list can be found in Appendix 2 (large sites) and Appendix 3 (small sites).

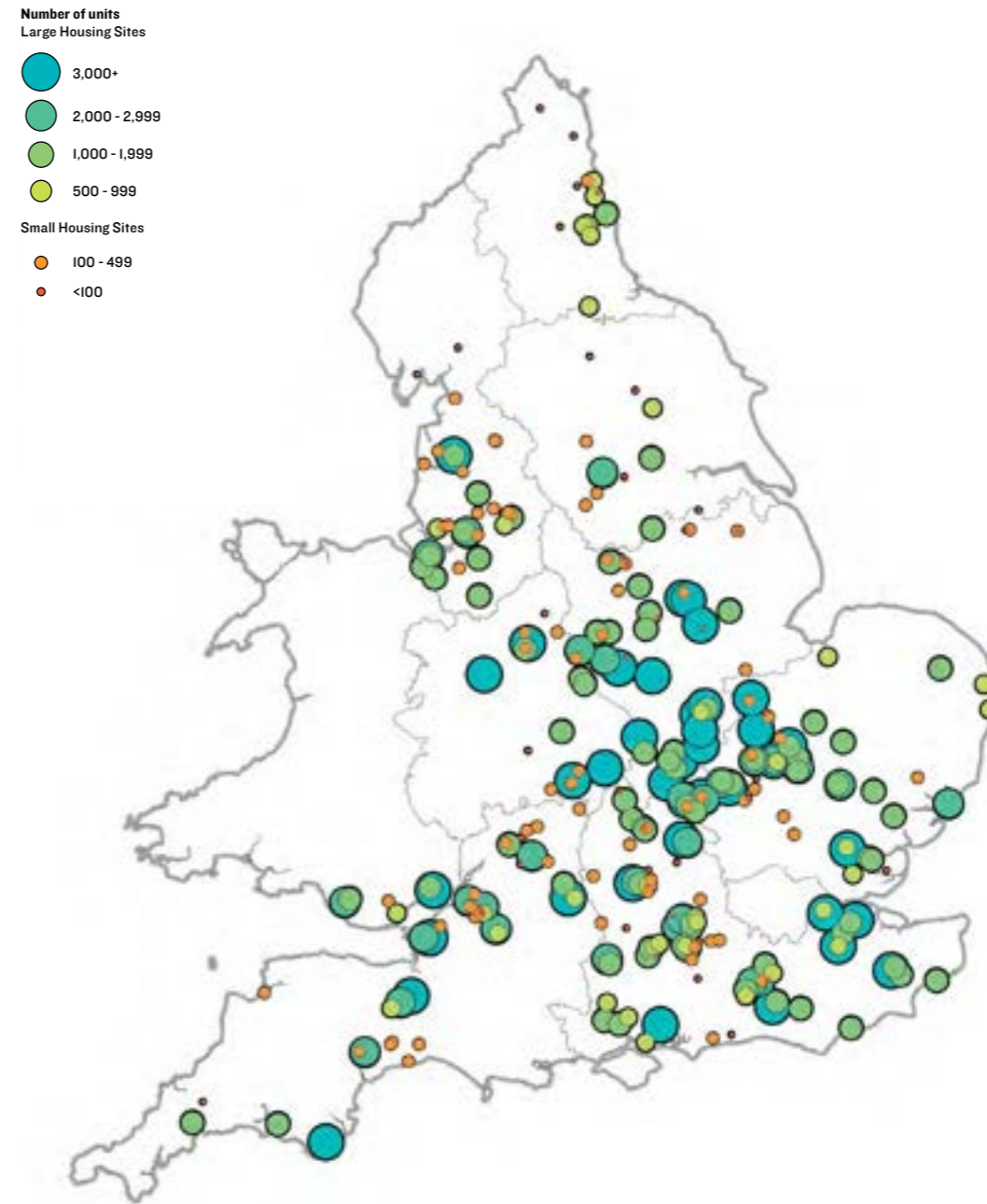
Efforts were made to cover a range of locations and site sizes in the sample, but we cannot say it is representative of the housing market throughout England and Wales. Our conclusions may not be applicable in all areas or on all sites. Our sample size has increased significantly: we now have 179 large sites (the second edition had 97) and 118 small sites (the second edition had 83). We have endeavoured to include more recent examples to ensure that the latest trends in planning determination and build-out rates for housing sites are picked up proportionally through the analysis of housing sites of all sizes.



The sources on which we have relied to secure delivery data on all sites in this research include:

1. Annual Monitoring Reports (AMRs) and other planning evidence base documents produced by LPAs¹²;
2. Contacting the relevant LPA, and in some instances the relevant County Council, to validate or update the data; and
3. In a handful of instances obtaining/confirming the information from the relevant house builders.

Figure 2.2: Map of sites assessed, by size of site (dwellings)



Source: Lichfields analysis

¹² Monitoring documents, five-year land supply reports, housing trajectories (some in land availability assessments), housing development reports and newsletters

03 How long does it take to get started?

In this section we look at lead-in times; the time it takes for large housing sites to get planning permission and begin to deliver homes on site. This includes both the 'planning approval period' and the 'planning to delivery period'.

Planning approval period

The first stage is the planning approval period: the time taken from the validation of the first application to the first detailed permission. For large sites, this period typically comprises the determination of an outline application, and then a reserved matters application (but in some cases, it may refer to a single full/hybrid application). Our data shows that the average median planning approval period generally increases in accordance with site size; for small sites of less than 100 dwellings, this is on average 1.5 years, but for sites of 1,000 dwellings or more, it takes an average of five years to obtain detailed planning permission, with minimal change in this period as site size increases above this point.

Although it takes longer to achieve a detailed planning permission on larger sites, there is not a linear relationship between size of site and time taken to secure the detailed permission. This might be because the largest sites are more likely to be allocated in adopted local plans and so the principle of development would have already been established by the time an application is submitted. In theory this would help to speed up the planning approval process but end-to-end timescales are dependent on a timely local plan system.

Table 3.1 Lower quartile, median and upper quartile planning approval period (years) by site size

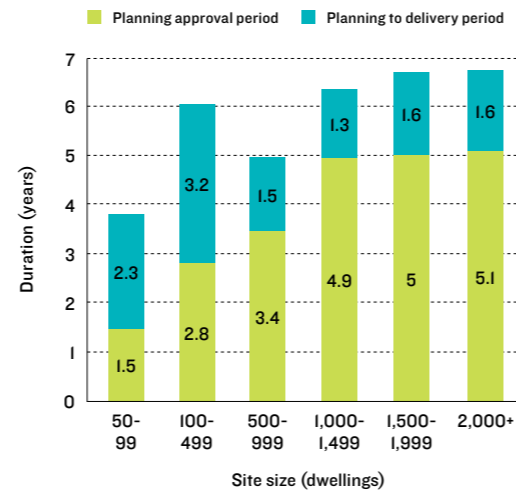
	50-99 dwellings	100-499 dwellings	500-999 dwellings	1,000-1,499 dwellings	1,500-1,999 dwellings	2,000+ dwellings
Lower Quartile	1.4	2.6	2.7	3.7	3.7	4.1
Median	1.5	2.8	3.4	4.9	5.0	5.1
Upper Quartile	5.9	9.0	6.6	8.3	6.9	7.9

Source: Lichfields analysis

In Wales, the restrictive policy towards speculative applications makes an allocation almost essential.

The CMA has also undertaken analysis into the length of time it takes land promoters and house builders to obtain outline planning permission. Using data obtained from land promoters, the CMA found that of the outline permissions obtained in 2022, 43.4% of them were obtained within five years or less, with 97.4% in nine years or less. These periods are significantly longer than the figures in our analysis because this includes pre-application promotion work, which is not captured in our data which starts with submission of the first application.

Figure 3.1 Median average timeframes from validation of the first application to completion of the first dwelling



Source: Lichfields analysis

The CMA go on to say in footnote 111 that "in estimating the development timeline, our estimate for the most comparable element of the process is, on average, 3 to 4.5 years". This is more closely aligned to our findings on securing planning permission on a large site.

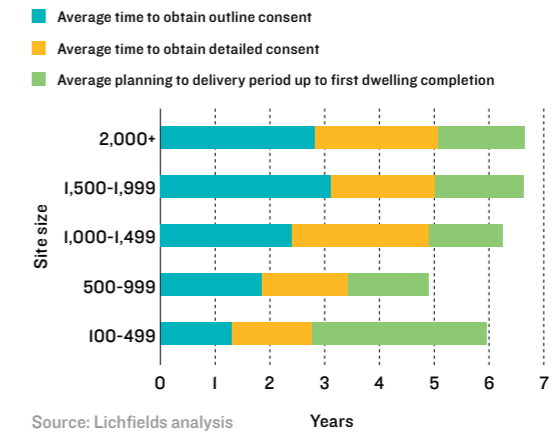
The CMA also found that the time required to make planning decisions is increasing (paragraph 4.27). However, its analysis considered developments of all sizes; we found no discernible difference in the time it takes schemes of 500 dwellings to achieve detailed approval since 2012/13 compared to older schemes. This could be because large-scale housing applications have always been more complex and so inevitably took longer to determine. They would, likely, also only be pursued by those with significant experience in this sphere. However, we did find an increase in the planning to delivery period which we discuss later in the report.

Outline permission to completion of the first dwelling

Our 2020 research was published in the aftermath of the NPPF¹³ which raised the bar on the definition of 'deliverable' for determining whether a site could be assumed to supply completions within the five-year housing land supply period. This definition is now well-established with the 'clear evidence' required to demonstrate deliverability of sites that do not benefit from a detailed permission.

We have updated our findings on the average time taken from gaining outline permission to the completion of the first dwelling on site, as shown in Figure 3.2. This indicates that it takes on average around 3 - 4.6 years from the grant of outline planning permission to deliver the first dwelling. This means at the time of its granting, an outline permission will on average deliver limited amounts of housing within the next five-year period.

Figure 3.2 Overall lead-in times for sites of 100 dwellings or more including time taken for outline consent by site size



Source: Lichfields analysis

Planning approval period: What is going on?

Larger sites are often complex and require outline permissions to set the framework for future phases or staged delivery before bringing forward a detailed scheme through reserved matters and detailed permissions.

Outline planning permissions for strategic development are often not obtained by the company that builds the houses. Master developers and land promoters play a significant role in bringing forward large-scale sites that are subsequently implemented by house builders.

Promoters will typically obtain outline planning permission and then sell the site to a house builder that will secure the detailed approvals.

The CMA explains that land promoters are contractually obligated to begin the sale of land as soon as practically possible after receiving outline planning permission. The CMA found that whilst in 2022 65% of sites sold by promoters were sold within 12 months of obtaining planning permission, their data implied a large variation in the time taken to sell a site¹⁴. Reasons included low interest in the site, protracted price negotiations, withdrawal from a sale, and multi-phased sales.

¹³ February 2019

¹⁴ CMA Housebuilding Market Report paragraphs 4.53 and 4.66-4.69

1.6 years

time taken to build the first dwelling following detailed consent on a 1,500+ dwelling scheme

Planning to delivery period

Figure 3.1 demonstrates that smaller sites in this research take longer to deliver their first dwelling than large sites, measuring the time from detailed approval being secured. Sites of 500+ dwellings take 1.3 - 1.6 years to deliver the first dwelling. By contrast sites for 50 - 99 dwellings take 2.3 years, whilst sites of 100 - 499 dwellings takes 3.2 years.

Planning to delivery period: What is going on?

There are typically complex site-specific issues such as securing statutory approvals, signing-off details, resolving land ownership and legal hurdles prior to the commencement of development.

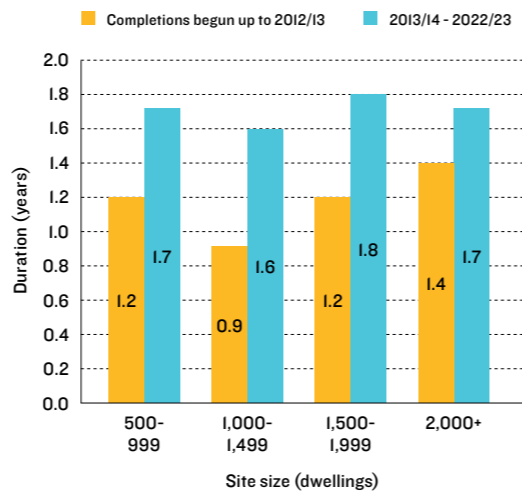
House builders must discharge pre-commencement planning conditions before constructing a home. These should be tailored to tackle specific problems but can be used broadly, for example relating to drainage, soil surveys, ecology, environmental health, materials samples, highways/ traffic plans and formalise any CIL liability.

Our 2021 research¹⁵ provided a deep dive into five local authority case studies, using their monitoring data to look at what is happening to individual planning permissions at the local level once granted. Some permissions require re-working or replanning to improve a scheme. Often these reworks – undertaken at a point at which the principle of development has already been established – will help ensure the most efficient use of land and the right scheme for the market, while also reducing planning risk for the developer. Detailed permissions are more likely to be reworked, likely reflecting their relative inflexibility compared to outline permissions. The extent of re-plans reflects the limited scope to quickly amend permitted schemes without needing to submit a new application.

Planning to delivery period over time

The planning-to-delivery period is longer for sites of all sizes in the part of our sample that started in the last decade. Figure 3.3 splits the planning to delivery analysis in Figure 3.1 by time. It shows that up until 2012/13 (just after the NPPF was first introduced), the planning to delivery period ranged between 0.9 - 1.4 years, with schemes of 2,000+ dwellings taking the longest to get started. In the period since the NPPF, the planning to delivery period has extended up to 1.6 - 1.8 years, a figure that is relatively consistent across all site sizes. The reasons for the change are not identified in the data, but may reflect the increased complexity of planning requirements as well as resourcing pressures in LPAs.

Figure 3.3 Planning to delivery period by site size



Source: Lichfields analysis

The overall lead-in time

The average time from validation of an outline application to the delivery of the first dwelling for large sites of 500 dwellings or more ranges from 4.9 to 6.7 years depending on site size, i.e. beyond an immediate five-year period for land supply calculations.

When combining the planning approval period and planning to delivery period only sites comprising 99 dwellings or less will – on average – deliver anything within an immediate five-year period. Interestingly, sites of 100 - 499 dwellings and all sites of 1,000 dwellings or more have a very similar combined planning approval and planning to delivery period of 6 - 7 years, despite significant variation in site size.

After this period, an appropriate build-out rate based on the size of the site should also be considered as part of the assessment of deliverability (see Section 4).



¹⁵ Lichfields, 2021 Tracking Progress

04 How quickly do sites build out?

The rate at which homes are to be built on sites – and the realism of housing land supply and trajectories – is often contested at local plan examinations and planning inquiries. Whilst the pressure on LPAs to maintain a five (or four¹⁶) year housing land supply may be decreasing¹⁷, the LURA contains measures that will increase scrutiny of build-out rates at the planning application stage, with the potential (at least in theory) for Completion Notices that nullify permissions when sites fall behind from their agreed delivery pace. A good understanding of real-world examples and evidence on absorption rates (see Section 5) remains essential.

Our analysis of build rate averages excludes any sites which have less than three years of completions data. This is because it is unlikely the completion figure in year one would cover a whole monitoring year, and so could distort the average for that site when considered alongside only one full year of completion data.

Some schemes do achieve very high rates of build-out in particular years (the top five annual figures were 520-620 dwellings per annum [dpa]) but this rate of delivery is not sustained (see Table 4.1). Apart from Ebbsfleet¹⁸, the peak build-out rates were anomalous. That said, the five examples in Table 4.1 remain at the upper end of (or above) the range of our overall sample: for schemes of 2,000 or more dwellings the average annual completion rate throughout build-out ranges from 100 to 188 dpa (see Figure 4.1).

Table 4.1 Peak annual build-out rates compared against average annual build-out rates on these sites

Site	Local Planning Authority	Site size (dwellings)	Peak annual build-out rate (dpa)	Average annual build-out rate (dpa)
Cambourne (original new settlement ¹⁹)	South Cambridgeshire	3,300	620	188
Ebbsfleet	Dartford	15,000	619	255
Berryfields Major Development Area (Aylesbury Garden Town)	Buckinghamshire	3,254	562	251
Great Kneighton (Clay Farm)	Cambridge	2,188	539	219
Oakley Vale	North Northamptonshire	3,100	520	162

Source: Lichfields analysis

¹⁶ See NPPF paragraph 226

¹⁷ See NPPF paragraph 76

¹⁸ Ebbsfleet has delivered a series of high annual build-out rates in the most recent five-year period: 2018/19 = 613, 2019/20 = 553, 2020/21 = 347, 2021/22 = 533 and 2022/23 = 619

¹⁹ The second edition of this research included Cambourne as an example with a total site size of 4,343 dwellings. However, in this iteration we have separated out the sites into Cambourne the original new settlement (3,300 dwellings), Upper Cambourne (950 dwellings) and Cambourne West (2,350 dwellings)

100-188 dpa

average annual build-out rate on 2,000+ dwelling scheme

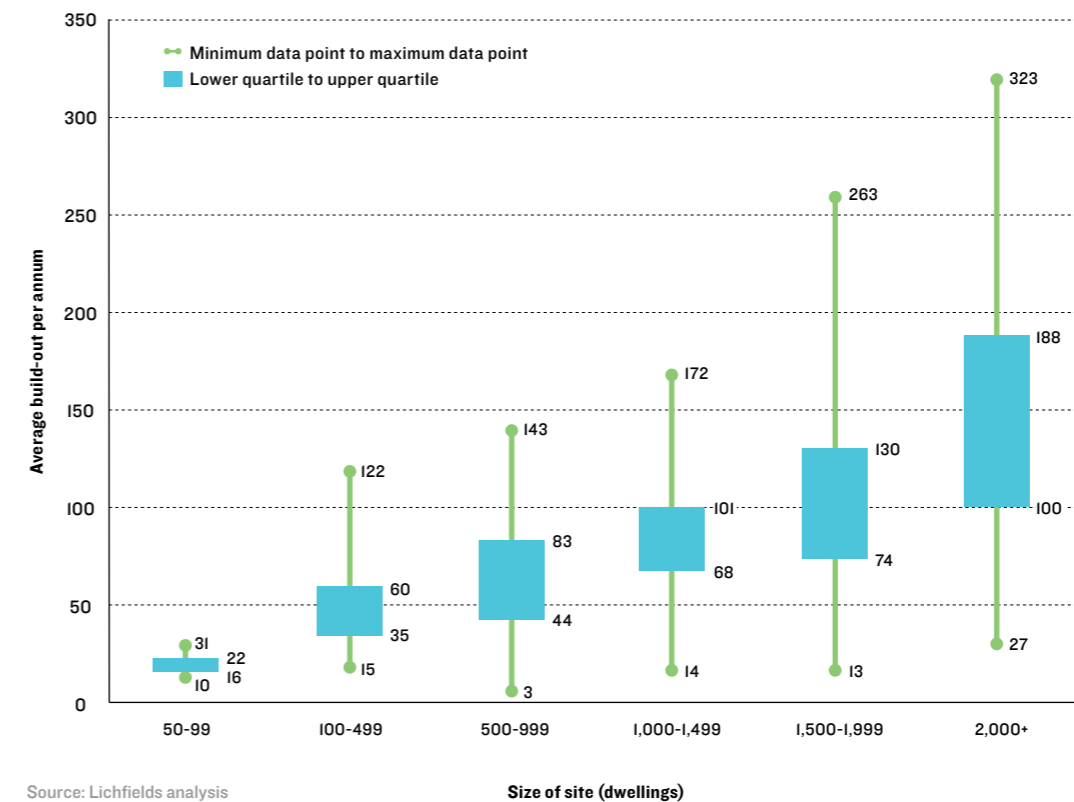
Average annual build-out rates

Figure 4.1 presents our updated results for average annual build-out rates by site size for all sites in our sample. Unsurprisingly, larger sites deliver on average more per year than smaller sites. Those of 2,000 dwellings or more, delivered on average more than twice the rate of sites of 500 - 999 dwellings.

In this third iteration of the research, we have identified the average (mean and median) build rate, but also the lower and upper quartiles to illustrate a range.

This avoids too much focus on a singular figure, recognising the wide range of factors that influence build-out rates as set out in Section 5. For sites of 2,000 or more dwellings, the lower to upper quartile range for build-out rates is 100 to 188 dpa. The highest average build-out rate in our analysis is 323 dpa, at Great Western Park, in the Vale of White Horse.

Figure 4.1: Average build-out rate by size of site (dwellings)



Source: Lichfields analysis

Comparison with our previous editions

The number of sites we have assessed is significantly increased in this edition of the research, but particularly for the largest sites (2,000+ dwellings) where we have 43 extra examples. Over the three editions of our research, the mean build-out rate has decreased marginally, whilst the median rate is also lower for sites under 999 dwellings but broadly static for sites of 1,000 dwellings or more. Overall, there is limited difference in the average build-out rates across all three editions which gives us confidence in the findings. However, it does show there a reduction in the presented build-out rates overall. We explore whether this is a function of our sample size or the addition of new years of monitoring data in Section 5.

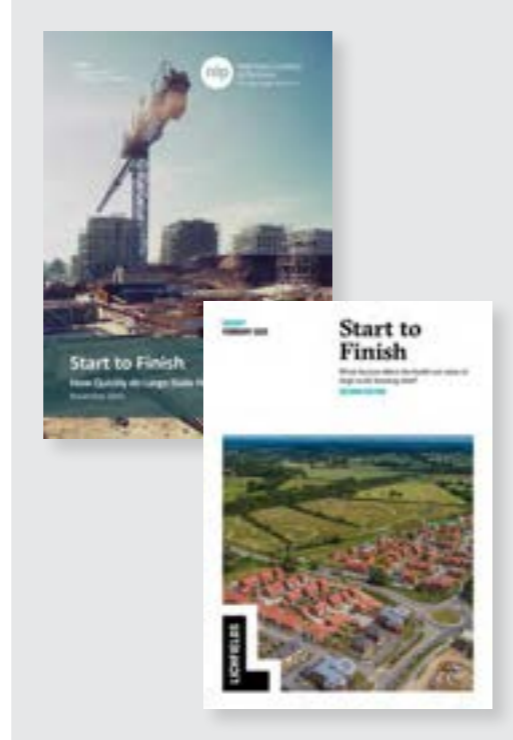


Table 4.2 Average build-out rates by size of site (dwellings) compared with the first and second editions of the research

Site Size (dwellings)	Mean build-out rate (dpa)				Median build-out rate (dpa)		
	First Edition	Second Edition	Third Edition		Second Edition	Third Edition	
50-99	27	22	20		27	18	
100-499	60	55	49		54	44	
500-999	70	68	67		73	68	
1,000-1,499	117	107	90		88	87	
1,500-1,999	129	120	110		104	104	
2,000+	161	160	150		137	138	

Source: Lichfields analysis

05 What factors can influence build-out rates?

In this section we explore some of the factors that can influence the pace at which sites are built out. This includes site and location-specific factors, such as the strength of local market, the amount of affordable housing and whether a site is greenfield or brownfield. In this third edition, we also consider the potential impact of economic and housing market cycles.

Economy and market impacts

The housing market appears to be at the start of a new economic cycle. After around a decade of generally favourable market conditions (with cheap finance and policy support) potential home purchasers and builders are facing different circumstances.

Figure 5.1 looks at how average build-out rates on our sampled sites have correlated with net additional dwellings in England and recent economic events and interventions over our study period.

Economic and policy context for house building and build-out rates

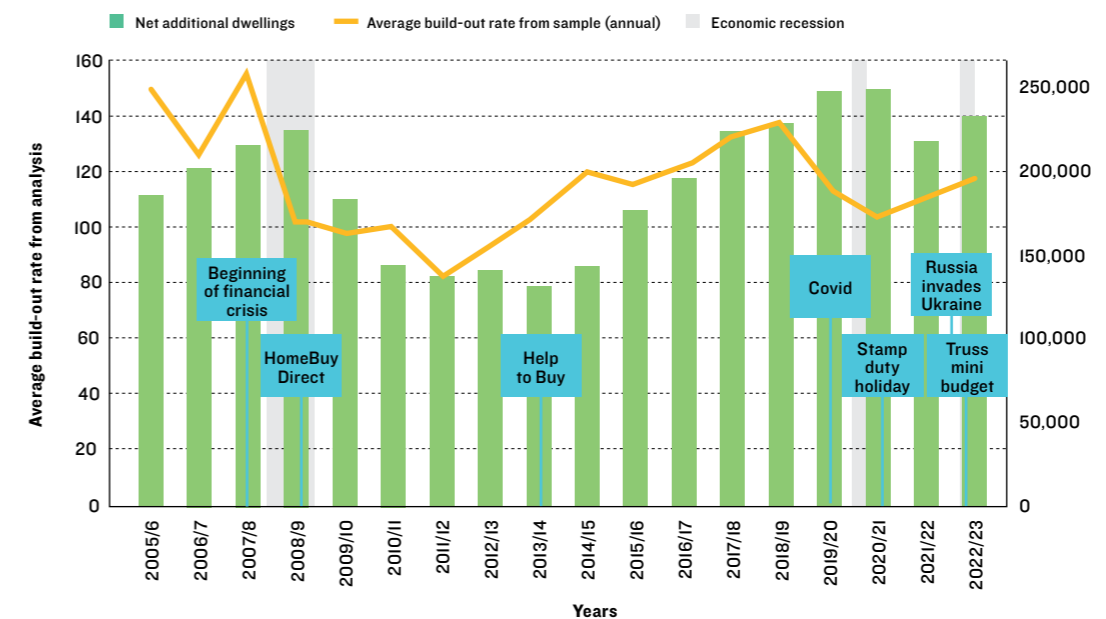
Government support for new home buyers was available before the Global Financial Crisis (GFC), (i.e. "First Buy" in 2006/7) but more robust support was introduced subsequently, firstly with Homebuy Direct, then Help to Buy which was introduced in 2013 and lasted until October 2022. It supported almost a third of new home sales over this period²⁰. COVID-19 prompted a further stimulus in the form of a stamp duty holiday (July 2020 - July 2021).

Alongside these policy measures, mortgage rates were historically and consistently low, falling to 0.5% in March 2009 and 0.1% in March 2020 before rising again from December 2021.

Combined, this provided favourable conditions for home buyers and house builders.

The end of Help to Buy in 2022 was compounded by dramatically increased mortgage rates, reaching 5.25% in August 2023. The effect to transactions has already been significant and the OBR forecast (in March 2024) that transactions in 2024 will be 14% below pre-pandemic levels (2017-2019) and will not return to this level until 2027.

Figure 5.1: Net Additional Dwellings (England) and build-out rates (England and Wales) in economic context



Sources: Lichfields analysis of build-out rates, DLUHC 2024, Increase in Dwelling stock Table I04

²⁰ <https://www.gov.uk/government/statistics/help-to-buy-equity-loan-scheme-data-to-30-september-2021/help-to-buy-equity-loan-scheme-data-to-30-september-2021#about-the-help-to-buy-equity-loan-scheme>

Looking ahead

The Bank of England estimates that (due to the increased share of fixed rate mortgages now being 85% compared to closer to 50% in 2007) "over half the impact from two years of interest rate increases is still to be felt". This leads to the OBR forecasting a drop in housing transactions, and in housebuilding from an already low rate, to just 213,600 in 2025/26.

Worsening market conditions will likely markedly reduce build-out rates. Savills research for the LPDF 'A New Normal for Housebuilding' forecast fewer sales outlets (with fewer consented sites) and lower sales by outlet, dropping from the 0.73 average homes sold per week between 2015 and 2021 (and 0.67 before the 2008 recession) to 0.5 - 0.6 over the medium term, taking into account the low and falling number of consented sites in developer pipelines, and the size of each site increasing. As we show (see Figure 5.6 later in this section), a lower number of outlets is correlated with slower build-out rates. The post-2022 conditions are yet to be fully captured in monitoring data, but we would expect this to arise in future years.

There is some room for optimism. The February 2024 RICS residential survey shows sales expectations improving over the next year and a positive sentiment for new instructions of sales for the first time in three years. This is likely at least partly due to a consensus that interest rates have peaked, with UK Finance forecasting mortgage affordability is plateauing, and will improve in 2025²¹.

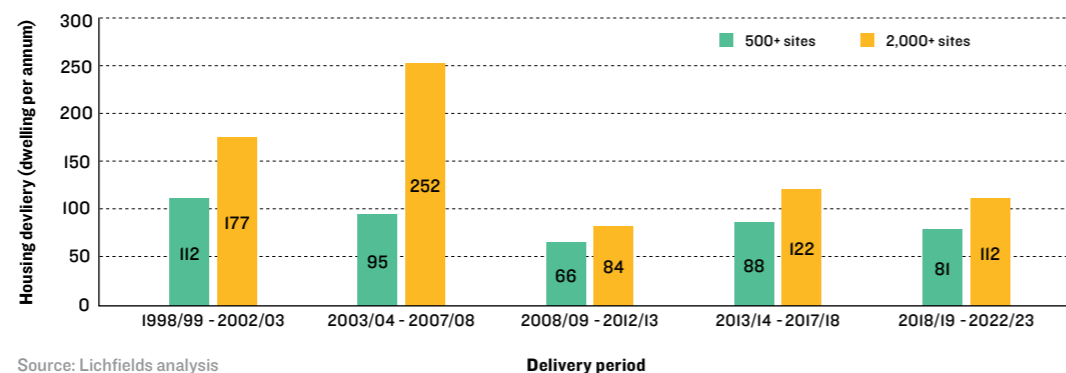
Looking back

The average build-out rates achieved on large sites (Figure 5.2) has fallen over time since before the GFC. The drop-off is most considerable for large sites starting development in the period directly after the GFC. Build out picked up slightly for projects that started in the five years to 2017/2018 taking in the impact of the 2012 NPPF. The COVID-19 pandemic and the rise in interest rates in the 2018/19 to 2022/23 period shows in the slight dip in build-out rate.

The largest sites (2,000+ dwellings) seem to have been hardest hit, falling from a peak average annual build-out of 252 dpa prior to the GFC to just 84 dpa during the recession and early recovery, before increasing again to 112 dpa in the most recent five-year period. However, the drop following 2007/8 may not be solely economically-driven; changes in the type of sites allocated, the structuring of delivery, and relying on s.106 for funding affordable housing and infrastructure may be determinative factors.



Figure 5.2: Average annual build-out rates for large sites (500 or more and 2,000 or more dwellings) by five-year interval



Source: Lichfields analysis

Site specific factors

Do homes get delivered faster in high pressure areas?

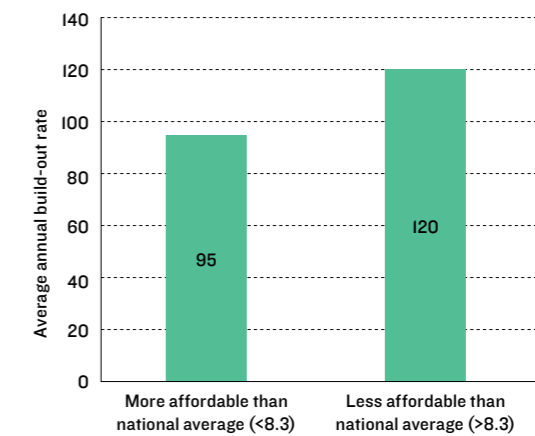
The rate at which homes can be sold (the 'absorption rate') determines the build-out rate. The CMA report found that there is strong evidence - from studies (including the second edition of this research) and engagement with stakeholders - that housebuilders (typically buying consented land using the residual land value method) generally respond to the incentive to sell at prevailing market value by building homes at a rate that is consistent with the local absorption rates. This avoids capital being tied up in partly finished or finished but unsold homes.

We have considered whether housing demand at the local authority level affects build-out rates. For the purposes of this research, higher demand areas are assumed to be those with a higher ratio of house prices to earnings, utilising the same measure as that applied in the Government's standard method for assessing local housing need. Figure 5.3 shows the sample of 500 or more dwelling schemes (that have delivered for at least three years) divided between whether they are located in a local authority above or below the national median affordability ratio (8.3). It shows higher demand areas appear to absorb 26% higher annual build-out rate than lower demand areas²².

Of the five sites identified at Table 4.1 with the highest peak rates of delivery, all but Oakley Vale in North Northamptonshire are in local authority areas with workplace-based affordability ratios more than the national average when those rates were achieved²³.



Figure 5.3 Build-out rates by level of demand using national median 2022 workplace based affordability ratio (dpa)



Source: Lichfields analysis

26%

greater average annual build-out rate in higher demand areas

²² This is in line with the findings of the second edition of the research, albeit both averages are lower this time. The previous research showed the large sites in LPAs which were 'more affordable than the national average (<8.72)' delivered on average 99 dpa versus those large sites in LPAs which were 'less affordable than the national average (>8.72)' at 126 dpa

²³ Using ONS long term affordability data <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/bulletins/housingaffordabilityinenglandanddwales/2022#:~:text=ln%202022%2C%20full%2Dtime%20employees,6.2%20times%20their%20annual%20earnings>

²¹ <https://www.ukfinance.org.uk/news-and-insight/press-release/mortgage-lending-fall-in-2024>

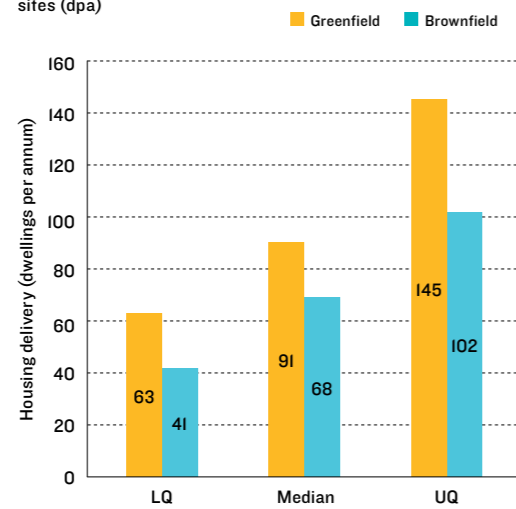
34%

greater annual average build-out rate on greenfield sites

Do sites on greenfield land deliver quicker?

Both previous editions of this research found that greenfield sites have, on average, delivered more quickly than brownfield sites. This remains the case in our updated cohort of sites. The median figures show greenfield sites delivering 34% higher average annual build-out rates. Using lower and upper quartiles to set a range, Figure 5.4 shows that brownfield sites are seen to deliver between 41 to 102 dpa compared with greenfield sites delivering 63 to 145 dpa. This is likely to reflect the fact that brownfield sites are more complex to deliver, can carry extra cost (e.g. for remediation) which reduces the scale of contribution they make to infrastructure and affordable housing provisions, which as shown in Figure 5.5, can boost build-out rates. We consider issues related to apartment-led brownfield schemes in Section 6.

Figure 5.4 Average build-out rates on greenfield and brownfield sites (dpa)



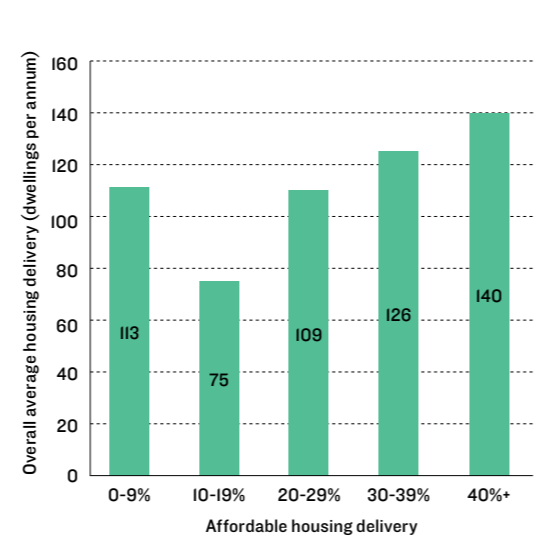
Source: Lichfields analysis

Housing mix and variety

The Letwin Review²⁴ posited that increasing the diversity of dwellings on large sites in areas of high housing demand would help achieve a greater rate of build-out. It concluded that a variety of housing is likely to appeal to a wider, complementary range of potential customers which in turn would mean a greater absorption rate of housing by the local market.

Consistent data on the mix of sizes, types and prices of homes built out on any given site is difficult to source, so we have tested this hypothesis by using affordable housing delivery percentages on site as a marker of a different tenure and the number of sales outlets on a site as a proxy for variety of product types.

Figure 5.5 Average build-out rates by level of affordable housing (dpa)



Source: Lichfields analysis

Affordable housing

Large amounts of affordable housing on a site can boost delivery, if viable, because it taps into an additional source of demand. This is supported by our findings: schemes with the highest proportions of affordable housing (30%+) have the highest average annual build-out rates. However, there is not a direct correlation for those providing lower percentages; indeed, those providing 10-19% affordable housing had the lowest average build-out rates whereas rates on schemes delivering the lowest levels of affordable housing (i.e. less than 10% and some providing zero) were on average higher than those providing 10-29% affordable homes.

Whilst schemes with the highest rates of affordable housing achieve the highest rates, these are likely to be located in the strongest markets for homes to buy and there will, in most cases, be a cap on the proportion of affordable homes that can be achieved on sites without compromising overall viability.

Key worker housing

Among our sample of sites was a scheme delivering significant quantities of key worker housing. This specific type of housing was excluded from our wider research to avoid distorting the data.

Delivery data obtained for North West Cambridge includes annual build-out rates by the University of Cambridge and Hill Residential (Table 5.1). This suggests a specific type of product may yield high annual build-out rates with the peak year of delivery reaching 409 dwellings. The average annual build-out rate for this site is 178 dpa which is significantly higher than other schemes in the 500-999 dwellings category. However, North West Cambridge also comprises apartments which have specific delivery circumstances which make them not be readily compared to the wider research. We consider urban apartment developments on brownfield sites in Section 6.

Table 5.1 Annual build-out rates at North West Cambridge by phase

North West Cambridge	2016/17	2017/18	2018/19	2019/20	2020/21	Average Build-out Rate
Lot 1 (University of Cambridge) KEY WORKER UNITS		117				
Lot 2 (University of Cambridge) KEY WORKER UNITS			264			
Lot 3 (University of Cambridge) KEY WORKER UNITS		232				
Lot 8 (University of Cambridge) KEY WORKER UNITS	73					
Lot M1 (University of Cambridge And Hill Residential)		3	109	7	2	
Lot M2 (University of Cambridge And Hill Residential)		1	36	15	33	
Totals	73	353	409	22	35	178

Source: Lichfields analysis

²⁴ <https://www.gov.uk/government/publications/independent-review-of-build-out-final-report>

²⁵ <https://www.gov.uk/government/publications/independent-review-of-build-out-final-report>

06 Delivery of brownfield, urban apartment schemes

Outlets

Across the years in which the number of outlets varied on the same site we have a total of 114 data points from 15 sites. The data is limited to those local authorities that publish information relating to outlets on site. It is a small sample, but larger than that available in our second edition (12 sites, and 80 data points).

We consider the number of outlets delivering dwellings each year. For example, if two phases are being built out in parallel by the same housebuilder this has been counted as one outlet with the assumption there is little variety (although some builders may in reality differentiate their products on the same site, particularly if dual branded). However, if two phases are being built out in parallel by different housebuilders this is counted as two outlets, with the assumption that there would be some variation in the product on offer.

Figure 5.6 shows a clear relationship between the number of outlets on site and the annual build-out rate achieved. Table 5.2 also shows that, although the quantum of completions in a year increases with every additional outlet, the average delivered per outlet increases slightly with four and five outlets.

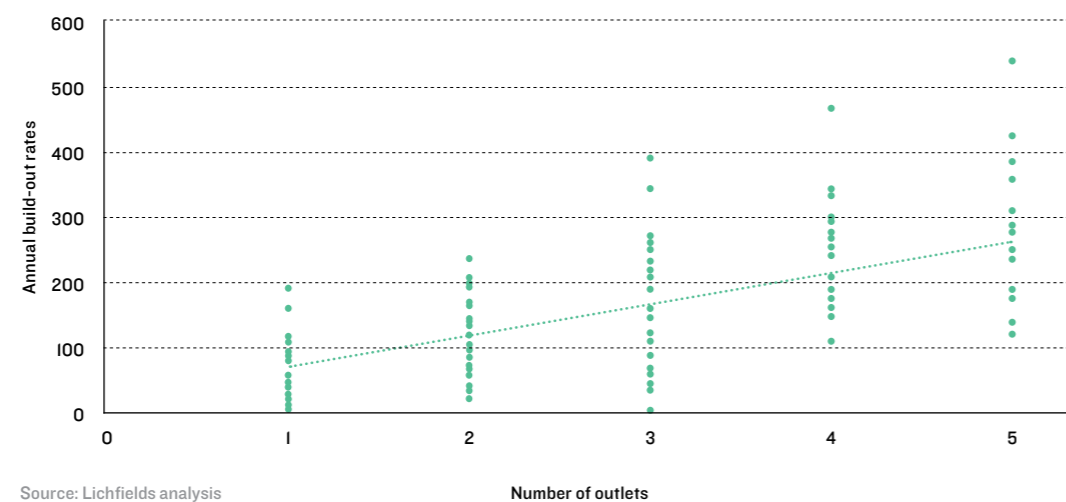
Table 5.2 Average annual completions per outlet

No of outlets	Average annual completions	Average completions per outlet
1	69	69
2	123	62
3	164	55
4	230	57
5	286	57

Source: Lichfields analysis



Figure 5.6: Build-out rates by number of outlets present (dpa)



Source: Lichfields analysis

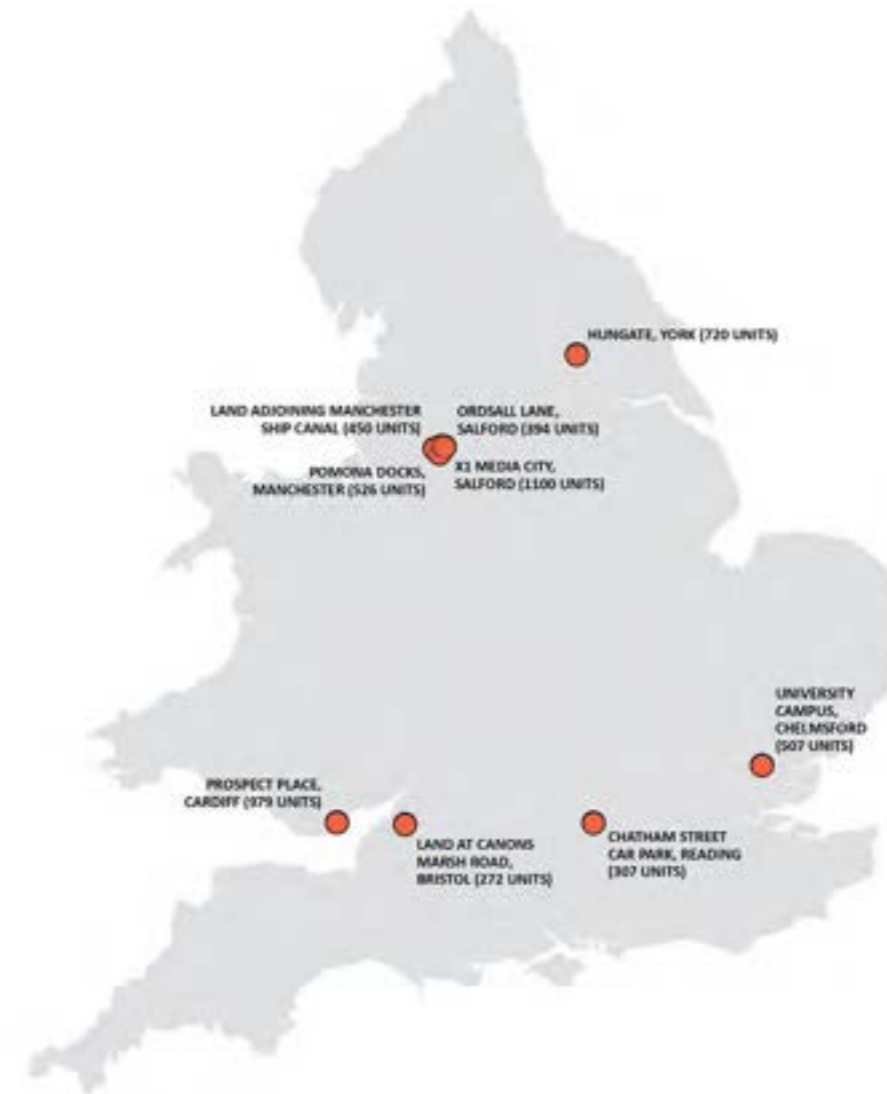
Government policy is seeking to increase the emphasis on brownfield residential development, and higher density, apartment schemes are likely to be a consequence. What contribution can these sites make to housing trajectories?

We have identified data for nine examples of solely apartment schemes in excess of 250 units on urban brownfield sites (all outside London). This is a reasonable number of units to differentiate sites from lower density suburban apartment developments that might appear in the research. These have been

considered separately from the other large sites in the research and include no other types of dwelling (i.e. no townhouses, semis or detached properties). Some of the large sites analysis already considered will include apartments, potentially for significant proportions of their schemes, but they will include some conventional houses.

Appendix 4 contains a short explanation of the planning history and build-out rates for each of the examples which have informed the analysis in this section. Their locations are shown on Figure 6.1.

Figure 6.1: Map of sites



Source: Lichfields analysis

Lead-in times

Whilst a modest sample size, it is immediately apparent that there is a significant extension in the time it takes for these sites to progress from planning to delivery (Table 6.1 and Figure 6.2).

When compared with comparably sized sites of conventional housing, our sample of apartment schemes have similar planning approval periods but then progressed to delivery much more slowly. This is particularly the case with the larger apartment schemes (500+ units) where the planning to delivery period for those considered was more than three times longer than the benchmarks for large conventional housing sites. For X1 Media City which is 1,100 units, it was more than seven times longer than conventional housing counterparts. Whilst one should be cautious drawing conclusions on a small sample, what might these findings imply?

1. Firstly, when recording the completion of an apartment, this will be alongside others in one or more blocks that are completed in one go, rather than an individual dwelling that can be built and sold as the site progresses. Because it is likely to take longer to complete a block of apartments than a single house. As such, the period over which we are measuring planning to completion of the first apartment will likely be longer.
2. Secondly, as set out in Appendix 4, there can be considerable time spent in 'optimising' a planning permission once the 'original' detailed consent is granted. For example:
 - **X1 Media City:** This scheme was granted detailed consent in 2007. An extension of time application for the original consent was submitted in April 2010 and approved in November 2012.

A further amendment to previously approved planning permission was approved in May 2016. First completions were recorded in 2017/18.

- **University Campus (Chelmsford):** Outline planning permission was granted at appeal in October 2003. Following a public inquiry for Stopping Up Orders and their confirmation in October 2005, the site was sold in 2007. A further process of exploring land use and design solutions to resolve commercial and planning objectives followed. Another outline and full application were approved in November 2012. First completions were recorded in 2014/15.

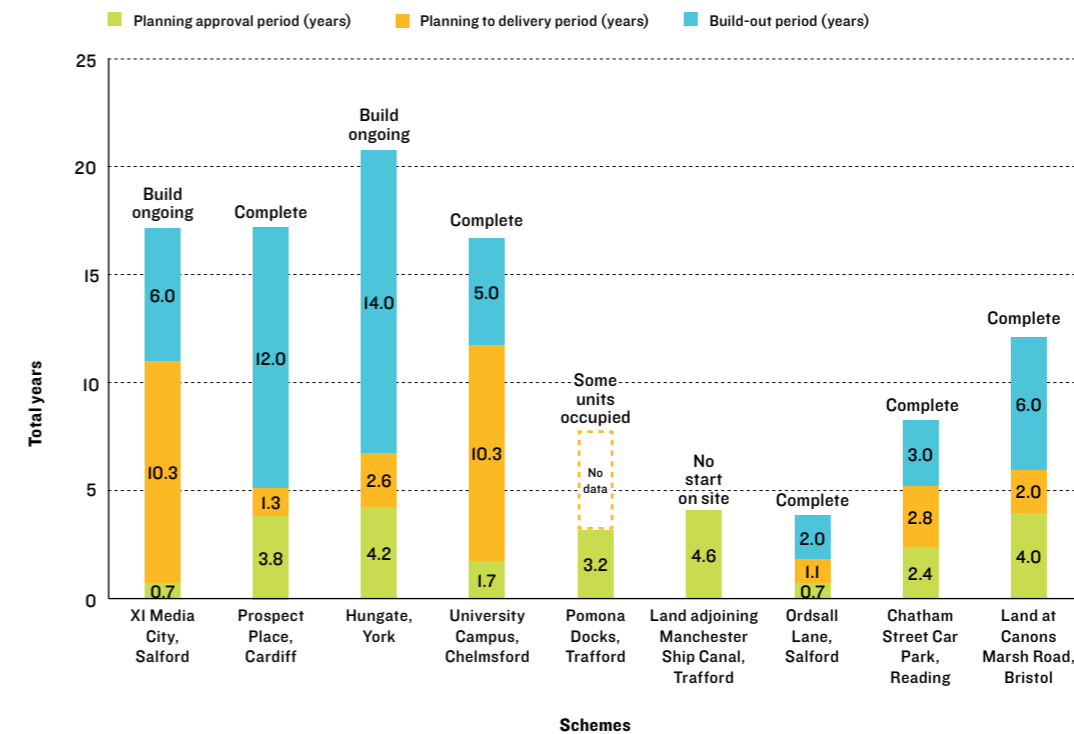
3. Thirdly, brownfield sites at scale can be complex with unusual issues to resolve. For example, Prospect Place (Cardiff) required extensive land reclamation. Further, the viability of delivering brownfield sites of this scale can be finely balanced with schemes susceptible to changes in the costs and values, necessitating redesigns prior to commencement of development.

Table 6.1 Lead-in time analysis for 9 example brownfield apartment schemes

	Site	Site Size (units)	Brownfield apartment schemes		Sites considered in sections 3 & 4	
			Planning approval period (years)	Planning to delivery period (years)	Planning approval period (years)	Planning to delivery period (years)
> 500 units	X1 Media City, Salford	1,100	0.7	10.3	4.9	1.3
	Prospect Place, Cardiff	979	3.8	1.3	3.4	1.5
	Hungate, York	720	4.2	2.6		
	University Campus, Chelmsford	645	2.7	9.0		
	Pomona Docks, Manchester	526	3.2	Unknown		
	AVERAGE			3.5	4.3	
< 500 units	Land adjoining Manchester Ship Canal, Manchester	449	4.4	Unknown	2.8	3.2
	Ordsall Lane, Salford	394	0.7	1.1		
	Land at Canons Marsh Road, Bristol	307	4.0	2.0		
	Chatham Street Car Park, Reading	272	2.4	2.8		
	AVERAGE			2.9	2.0	

Source: Lichfields analysis

Figure 6.2: Lead-in time analysis for brownfield apartment schemes



Source: Lichfields analysis

07 Conclusions

Build-out rates

As explained, the nature of apartment schemes means that annual build-out rates can be lumpy, as homes delivered can only be recorded when a block is completed. Figure 6.3 shows Prospect Place, Hungate, University Campus Chelmsford and X1 Media City with years when many units were completed with subsequent fallow periods of no delivery. Table 6.2 further illustrates this by comparing the peak year of delivery with the average rate.

Apartment schemes may also be more susceptible to downturns in the market – the ‘all or nothing’ requirement (to complete whole blocks before units can be released to prospective purchasers) ties up capital and makes them higher risk for conventional sale. For example, LPAs told us that both Prospect Place and Hungate were significantly impacted by the GFC: each having more than five years in which there were no new completions.

From our sample of nine sites, there is (perhaps unsurprisingly) much variety in the pace at which brownfield apartment schemes obtain planning permission (as there can be with greenfield sites), but more notable is how long it takes some sites to turn that consent into homes

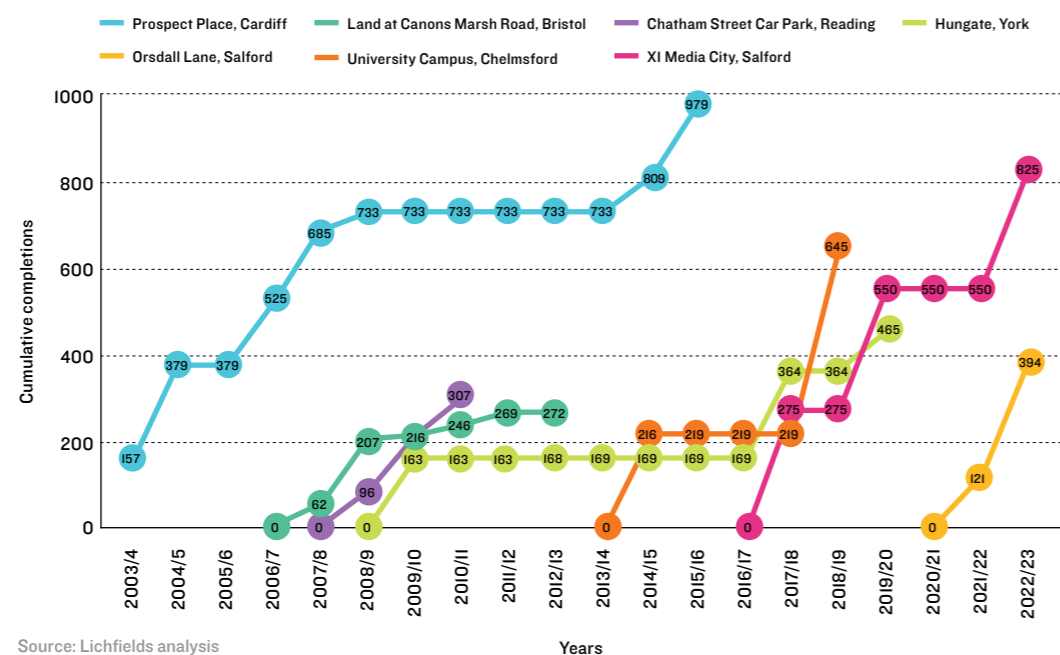
Table 6.2 Peak annual build-out rates compared against average annual build-out rates on the example urban apartment schemes

Site	Average annual build-out	Peak years build-out
Prospect Place, Cardiff	75	222
Hungate, York	33	195
University Campus, Chelmsford	129	426
X1 Media City, Salford	138	275
Chatham Street Car Park, Reading	102	120
Land at Canons Marsh Road, Bristol	45	145
Ordsall Lane, Salford	197	273

Source: Lichfields analysis

available for sale and occupation. Furthermore, while some significant ‘peak’ annual build-out rates can be achieved on these sites, delivery is lumpy and we found the GFC stalled completions on some schemes. Local authorities relying on higher density apartment schemes on brownfield sites to secure their five-year land supply or local plan housing trajectory will need to incorporate more flexibility if they are to be confident in achieving housing requirements.

Figure 6.3: Annual build-out rates for the urban apartment scheme examples (years)



Source: Lichfields analysis

Our research provides real-world benchmarks to assist planning for the effective delivery of large-scale housing. These benchmarks can be particularly helpful in locations where there is limited experience of such developments to inform housing trajectories and land supply assessments. It augments the debate on build-out rates stimulated by the CMA's work. We present some statistical averages to assist the debate, but the real relevance of our findings is that there are likely to be many factors which affect lead-in times and build-out rates, and it is these – alongside the characteristics of individual sites – that needs to be considered carefully by local authorities relying on these projects to deliver planned housing.

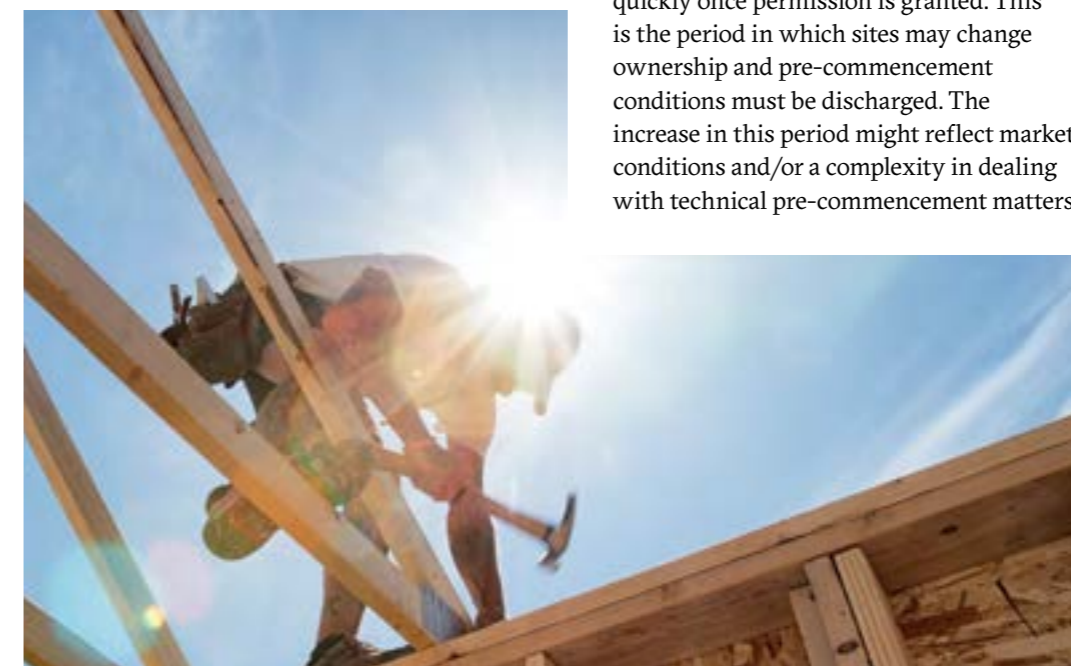
The averages presented in our analysis are not intended to be definitive or a substitute for a robust, bottom-up justification for the delivery trajectory of any given site factoring in local absorption rates. It is clear from our analysis that some sites start and deliver more quickly than the average, whilst others have delivered much more slowly. Every site is different and the range in our lower and upper quartile figures for build out illustrates the risk of relying on a singular estimate.

Key findings

1. Only sites below 100 dwellings on average begin to deliver within a five-year period from validation of an outline application

When considering our updated data on lead-in times, it shows only smaller sites with 99 dwellings or fewer will typically deliver any homes within a five-year period from the date that the first application is validated. The lead-in time comprises the planning approval period and the planning to delivery period. Even small sites make a modest contribution within five years as the lead in time is on average 3.8 years. Larger sites of 1,000 dwellings or more on average take five years to obtain detailed planning permission (the planning approval period), meaning at the time the first application is validated, no homes from that site might be expected to be delivered in the forthcoming five-year period.

The planning to delivery period is circa 1.3 – 1.6 years for all sites of 500+ dwellings and does not vary significantly according to site size. This demonstrates the truism that most sites proceed to implementation quickly once permission is granted. This is the period in which sites may change ownership and pre-commencement conditions must be discharged. The increase in this period might reflect market conditions and/or a complexity in dealing with technical pre-commencement matters.



2. Average annual build-out rates on large scale sites are lower than previous editions of this research

The build-out rates for schemes of 2,000 dwellings or more is 100 to 188 dpa using the lower and upper quartiles of our analysis. The lower and upper quartiles for every size of site category increase as they get larger. Bigger sites deliver more homes each year.

This third iteration of the research has increased our sample size, especially for the largest sites of 2,000+ dwellings (with 43 new examples). Whilst our findings remain comparable, the average rates of build out are slightly lower. The mean build-out rate has marginally decreased for every site size over the three editions of our research. For sites of 2,000+ dwellings the mean has decreased from 161 dpa to 151 dpa. For sites of under 1,000 homes, the median build-out rate is also lower. This may capture characteristics of newly surveyed sites, but also extra monitoring years since 2019 that reflect a market impacted by COVID and the Russian invasion of Ukraine. Our additional sites in the sample are also ones that tended to commence development more recently.



3. Tough market conditions mean a likely slowing in build-out rates and house building overall

Market conditions have a clear effect on house building and the build-out rates of individual schemes. It is in this context that, ceterus paribus, one might expect to see a drop in build-out rates over the next few years. Recent research for the LPDF forecast fewer sales outlets (with fewer consented sites) and lower sales by outlet. Our research shows, a lower number of outlets is likely to lead to slower build-out rates.

There is some room for optimism with the February RICS residential survey showing sales expectations improving over the next year and for the first time in three years, a positive sentiment for new instructions of sales. This is likely at least partly due to a common belief that interest rates have peaked, and mortgage affordability will improve in 2025.



4. Demand is key to maximising build-out rates

The rate at which homes can be sold (the 'absorption rate') at a market value consistent with the price paid for the land determines the build-out rate. The CMA found there is strong evidence from studies and its own engagement with stakeholders, that housebuilders generally respond to the incentive to maximise prices by building homes at a rate that is consistent with the local absorption rates.

Our analysis found that areas with a higher ratio of house prices to earnings had an average 26% higher annual build-out rates on schemes of 500+ dwellings than lower demand areas. The top four highest individual years of delivery in this research (see Table 4.1) are in local authority areas with workplace-based affordability ratios greater than the national average at the time those build-out rates were achieved.



5. Variety is the spice of life

Additional outlets on site have a positive impact on build-out rates, although there is not a linear relationship. Schemes with most affordable housing (30% or more) built out faster, i.e. with higher average build-out rates than those with lower levels of affordable housing delivery; but those delivering 10-10% of their units as affordable had the lowest build-out rates of all. One case study example – in Cambridge – was a predominantly key worker scheme that was able to deliver at an average of 178 dpa, significantly higher than other similar sized schemes included in this research. This points to the principle – identified by the Letwin Review – that, where there is a demand, a mix of homes, complementing market housing for sale, could have a positive impact on build rates.

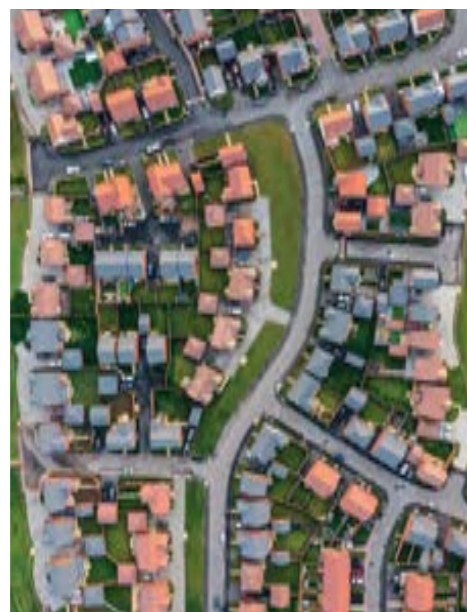
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6. Large-scale apartment schemes on brownfield land are less predictable forms of supply

The largest apartment schemes delivered on brownfield sites appear susceptible to elongated planning-to-delivery periods compared to the benchmark averages for conventional houses on sites of similar scale. There can be protracted periods of redesign and site sale which means implementation can take longer. They can also be more susceptible to downturns in the market; two of the considered examples stalled after the GFC.

Furthermore, the nature of apartment schemes – built in blocks rather than individual dwellings – also means that annualised build-out rates can be lumpy.

Combined, these factors mean any local authority relying on brownfield apartment developments to meet its housing needs, will likely need to incorporate flexibility in its approach when arriving at a realistic housing trajectory.



Looking forward

The CMA report states at paragraph 4.138:

“While we consider that measures to speed up the pace at which new build housing is supplied to the market may be beneficial (and we set out options for some in the chapter on addressing the problems we have found), these would need to be accompanied by planning reform if they were to deliver increases in housing delivery of the size needed to bring GB housing completions significantly closer to 300,000 per year.”

The CMA’s recommendation on seeking to speed up the pace of new housebuilding should be viewed in the context of this research which, when compared with the first and second editions, shows that reported average build-out rates are slightly lower, albeit only slightly.

As we approach a general election, and with the housing crisis unresolved, the challenge of boosting housing delivery is being discussed with renewed vigour.

The CMA concludes that achieving the necessary step-change in housing output is likely to be reliant on measures to improve the efficiency of the planning system: increasing the speed at which sites progress through the planning system, and then from planning to delivery; in increasing the number of sites granted planning permission for residential development; and increasing the pace and number of development plans being prepared and reviewed. Other factors – including funding for affordable housing and to unblock barriers to site delivery – are also needed.

In the current environment, a sufficient pipeline of sites with planning status in each location (itself dependent on a functioning planning system), with a suitably varied range of housing types and tenures, and the forecast recovery of the housing market from its recent downturn are all necessary to secure a recovery in the supply of new homes.

Appendices

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- Appendix 1: Definitions and notes**
- Appendix 2: Large sites table**
- Appendix 3: Small sites tables**
- Appendix 4: Solely apartment scheme details**

Appendix 1: Definitions and notes

The 'lead-in'

Measures the period up to first completion of a house on site from the validation date of the first planning application made for the scheme. The lead-in time covers both the planning approval period and planning to delivery periods set out below. The lead-in time also includes the date of the first formal identification of the site as a potential housing allocation (e.g. in a LPA policy document), but consistent data on this for the sample is not available.

The 'planning approval period'

Measured from the validation date of the first application for the proposed development (be that an outline, full or hybrid application). The end date is the decision date of the first detailed application which permits the development of dwelling/s on site (this may be a full or hybrid application or the first reserved matters approval which includes details for housing). A measurement based on a detailed 'consent' was considered reasonable and proportionate milestone for 'planning' in the context of this research. However, this need not be the detailed scheme which is built out. Many large-scale developments are re-designed over multiple iterations before work starts on site. This can be reflected in a protracted 'planning to delivery period'.

The 'planning to delivery period'

This includes any amended or extension of time planning applications, the discharge of any pre-commencement planning conditions and any opening up works required to deliver the site. It finishes on completion of the first dwelling.

The date of the 'first housing completion'

The month and year is used where the data is available. However, in most instances the monitoring year of the first completion is all that is available and in these cases a midpoint of the monitoring period (1st October, falling halfway between 1st April and the following 31st March) is used.

The 'annual build-out rate'

Each site is taken or inferred from a number of sources. This includes Annual Monitoring Reports (AMRs) and other planning evidence base documents produced by local authorities, contacting the LPA monitoring officers or planners where necessary and in a handful of instances obtaining the information from housebuilders.

Appendix 3: Small sites tables

Site Name	Local Planning Authority	Size
Cookridge Hospital	Leeds	495
Stenson Fields	South Derbyshire	487
Farnborough Business Park	Rushmoor	476
Bickershaw Colliery, Leigh	Wigan	471
Farington Park	South Ribble	468
Kingsmead South	Milton Keynes	450
New Central	Woking	445
Former Masons Cerement Works and Adjoining Ministry of Defence Land	Mid Suffolk	437
Land at former Battle Hospital	Reading	434
Hazelwalls Uttoxeter	East Staffordshire	429
New World House	Warrington	426
Pinn Court Farm	East Devon	426
Radyr Sidings	Cardiff	421
Halifax Road	Barnsley	414
Luneside West	Lancaster	403
Campden Road	Stratford-upon-Avon	400
Chard Road, Axminster	East Devon	400
Woolley Edge Park Site	Wakefield	375
Former NCB Workshops (Portland Park)	Northumberland	357
Hampton Heights	Peterborough	350
Cholsey Meadows	South Oxfordshire	341
Dunston Lane	Chesterfield	300
Land At Dorian Road	Bristol	300
Ryebank Gate	Arun	300

Site Name	Local Planning Authority	Size
Land At Fire Service College, Moreton in Marsh	Cotswold	299
Land at Badsey Road	Wychavon	298
Land at Brookwood Farm	Woking	297
Land west of Hayne Lane, Honiton	East Devon	291
Long Marston Storage Depot Phase I	Stratford-upon-Avon	284
Land South of Park Road, Faringdon	Vale Of White Horse	277
M & G Sports Ground, Golden Yolk and Middle Farm, Badgeworth	Tewkesbury	273
Hortham Hospital	South Gloucestershire	270
Land Between A419 And A417, Kingshill North	Cotswold	270
Land off Henthorn Road	Ribble Valley	270
GCHQ Oakley - Phase I	Cheltenham	262
I28-I34 Bridge Road and Nos 1 - 4 Oldfield Road	Windsor and Maidenhead	242
Hewlett Packard (Land Adjacent To Romney House) Romney Avenue	Bristol	242
Hale Road, Wallingford	South Oxfordshire	240
Land adjacent to Tesco, Harbour Road, Seaton	East Devon	230
Hilton Lane, Worsley	Salford	209
Saxon Drive, Biggleswade	Central Bedfordshire	200
Great North Road, St. Neots	Huntingdonshire	199
Hoval Ltd North Gate	Newark and Sherwood	196
Bookbinder Lane, Prescot	Knowsley	191
Biggin Lane, Ramsey	Huntingdonshire	188
Notcutts Nursery	Cherwell	182
Land South of Inervet Campus off Brickhill Street	Milton Keynes	176

Site Name	Local Planning Authority	Size
Sellars Farm	Stroud	176
Queen Mary School	Fylde	169
Littleton Road	Salford	158
North End Road	North Somerset	154
Benson Lane, Wallingford	South Oxfordshire	150
Ottery Moor Lane (former industrial estate), Honiton	East Devon	150
London Road/ Adj. St Francis Close	East Hertfordshire	149
MR4 Site, Land off Gallamore Lane	West Lindsey	149
Doxey Road	Stafford	145
Shefford Road, Meppershall	Central Bedfordshire	145
Cornborough Road, Bideford	Torridge	143
Alfreton Road, South Normanton	Bolsover	142
Bracken Park, Land At Corringham Road	West Lindsey	141
Land at Farnham Hospital	Waverley	134
Astley Road, Huyton	Knowsley	131
North of Douglas Road, Kingswood	South Gloucestershire	131
Land to the east of Efflinch Lane	East Staffordshire	129
Land Rear Of Mount Pleasant	Cheshire West and Chester	127
Shuttlewood Road & Oxcroft Lane	Bolsover	127
Primrose Mill Site	Ribble Valley	126
Bibby Scientific Ltd	Stafford	120
Bluntisham Road, Needingworth	Huntingdonshire	120
Land Between Godsey Lane And Towngate East	South Kesteven	120
Land West Of Birchwood Road	Bristol	119

Site Name	Local Planning Authority	Size
Former Bewbush Leisure Centre Site	Crawley	112
Land South of Station Road	East Hertfordshire	111
Canon Green Drive	Salford	108
Poppy Meadow	Stratford-upon-Avon	106
Weeton Road/Fleetwood Road	Fylde	106
Salisbury Road, Hungerford	West Berkshire	100
Auction Mart	South Lakeland	95
North East Sandylands	South Lakeland	94
Parcel 4 Gloucester Business Park Brockworth	Tewkesbury	94
Land At Green Road, Reading College	Reading	93
OS Field 9972 York Road Easingwold	Hambleton	93
Land off Lower Icknield Way, Chinnor	South Oxfordshire	89
MRIO Site, Caistor Road	West Lindsey	89
The Kylins, Morpeth	Northumberland	88
Dappers Lane, Littlehampton	Arun	84
St Marys Road, Ramsey	Huntingdonshire	82
Broad Street, Clifton	Central Bedfordshire	80
Southminster Road, Burnham-On-Crouch	Maldon	80
Land at Willoughbys Bank, Alnwick	Northumberland	76
North East Area Professional Centre	Crawley	76
Cranleigh Road, Chesterfield	Chesterfield	75
Watermead, Land At Kennel Lane, Brockworth	Tewkesbury	72
Land to the North of Walk Mill Drive	Wychavon	71
Hawthorn Croft, Gainsborough	West Lindsey	69

Site Name	Local Planning Authority	Size
Former Wensleydale School, Blyth	Northumberland	68
Land at Lintham Drive, Kingswood	South Gloucestershire	68
Land off Crown Lane	Wychavon	68
Springfield Road/Caunt Road	South Kesteven	67
Land Off Cirencester Rd	Stroud	66
Land to the east of Newington Road, Stadhampton	South Oxfordshire	65
Land south of Pinchington Lane	West Berkshire	64
Iveshead Road, Shepshed	Charnwood	63
Mill Lane, Potton	Central Bedfordshire	62
Clewborough House School	Cherwell	60
Land at Prudhoe Hospital	Northumberland	60
Oxfordshire County Council Highways Depot	Cherwell	60
Hanwell Fields Development, Banbury	Cherwell	59
Land at the Beacon, Tilford Road	Waverley	59
Land To Rear Of 28 - 34 Bedale Road	Hambleton	59
Thorley Drive, Stoke-on-Trent	Staffordshire Moorlands	57
Shelford Road, Nottingham	Rushcliffe	55
Fenton Grange, Wooler	Northumberland	54
Former Downend Lower School	South Gloucestershire	52
Holme Farm	Wakefield	50
Launceston Road, Bodmin	Cornwall	50
Part SR3 Site, Off Elizabeth Close, Scotter	West Lindsey	50
Oxcroft Lane	Bolsover	50

Appendix 4: Solely apartment scheme details

XI Media City, Salford (1,100 units)	
Planning approval period	Planning Approval Period = 0.7 years 06/53636/FUL - Erection of four-26 storey buildings comprising 1036 apartments and 58,475 sq.ft of commercial space for A1,A2,A3,A4,A5,B1,D1 and D2 use together with associated car parking and alteration to existing and construction of new vehicular access Validated - 09/10/2006 Decision issued - 28/6/2007
Extended planning period	10/58887/FUL - Extension of time for implementation of planning permission 06/53636/FUL. Validated - 30/4/2010 Decision issued - 05/11/2012 15/66481/FUL - Amendment to previously approved planning permission 10/58887/FUL. Validated - 11/6/2015 Decision issued - 13/5/2016
Planning to delivery period	Planning to delivery period = 10.3 years
Build period	First completion in 2017/18. 2017/18 - 275 2018/19 - 0 2019/20 - 275 2020/21 - 0 2021/22 - 0 22/23 - 275 Works still ongoing
Notes from LPA	N/A

Prospect Place, Cardiff (979 units)	
Planning approval period	Planning Approval Period = 3.8 years Original outline application 98/425/R Validated - 14/09/1998 Decision issued - 01/03/2001 The first reserved matters application 02/00516/R Validated - 11/03/2002 Decision issued - 21/06/2002
Extended planning period	03/724/R - Reserved Matters for 99 units 03/725/R - Reserved Matters for 58 units 02/1252/R - Full application including 677 apartments 03/01973/R - Full application including 222 residential units 04/2474c - Full changes, increasing the number of flats to 931, reduced to 927 during determination and granted in Feb 2006 06/00613/c - 394 units - granted in Oct 2006
Planning to delivery period	Planning to delivery period = 1.3 years
Build period	First completion in 2003/04 2003/04 - 157 2004/05 - 222 2005/06 - 0 2006/07 - 146 2007/08 - 160 2008/09 - 48 2009/10 - 0 2010/11 - 0 2011/12 - 0 2012/13 - 0 2013/14 - 0 2014/15 - 76 2015/16 - 170
Notes from LPA	The site was 'mothballed' for some years following the financial crash/recession with the principal Tower and another waterfront block not completing until several years later. Initially, this site required extensive and fairly unique land reclamation prior to commencement.

Hungate, York (720 units)	
Planning approval period	Planning Approval Period = 4.2 years Outline application 02/03741/OUT for 720 units Validated - 6/12/02 Decision Issued - 18/07/06 The first approved reserved matters 06/02384/REMM for Phase I erection of 163 units Validated - 27/11/2006 Decision Issued - 26/02/07
Extended planning period	07/01901/REM - Phase II - 154 unit 10/02534/REMM - variation of conditions to increase from 154 to 175 flats 10/02646/FULM - Phase I conversion to 7 townhouses to 14 flats 12/02216/FULM - Phase I conversion to 6 townhouses to 12 flats 12/02282/OUTM - outline to redevelop for 720 units - extension of time to 02/03741/OUT 13/03015/FULM - Phase II 195 units 15/01709/OUTM - Outline for Blocks G and H, 86 and 101 units 17/03032/REMM - Block G 196 units 18/02946/FULM - Increasing Block D to 196 units (increase of 10 units)
Planning to delivery period	Planning to delivery period = 2.6 years
Build period	2009/10 to present. 2009/10 - 163 2010/11 - 0 2011/12 - 0 2012/13 - 5 2013/14 - 1 2014/15 - 0 2015/16 - 0 2016/17 - 0 2017/18 - 195 2018/19 - 0 2019/20 - 101 2020/21 - 0 2021/22 - 0 2022/23 - 0 Blocks D, G and H not developed out yet
Notes from LPA	Build figures provided by York Council. The Council confirmed that there has been a significant complexity in delivering this site and consequently monitoring of delivery.

Pomona Docks II, Trafford (526 units)	
Planning approval period	Planning Approval Period = 3.2 years Full application for 546 apartments (H/58948) Validated - 10/03/2004 Decision Issued - 09/05/2007
Extended planning period	The above scheme was never implemented. 93779/FUL/18 for 526 dwellings across three apartment blocks Validated - 13/03/2018 Decision Issued - 11/04/2019 This has been subject to a number of DoC/NMAs since.
Planning to delivery period	Unknown - unable to obtain completions data to identify year of first completion
Build period	Ongoing - unable to obtain completion data from the Council.
Notes from LPA	As of October 2023 advised that the first 2 towers are complete and construction is underway on the 3rd tower.

University Campus, Chelmsford (645 units)	
Planning approval period	Planning Approval Period = 1.7 years Outline 02/02073/EIA for redevelopment of 692 residential units Validated - 05/02/2003 Decision Issued (appeal) - 17/10/2003 This outline consent was subsequently varied by 04/01825/FUL, principally to provide for a phased discharge of conditions. A reserved matters application was submitted for most of the southern part of the site (04/00865/REM). Validated - 19/04/2004 Decision Issued - 08/10/2004
Extended planning period	Following a public inquiry relating to Stopping Up Orders to paths between Victoria Road South and Park Road and Parkway and Park Road and the confirmation of the Orders (October 2005 FPS/W1525/5/1 refers), the site was sold to Genesis Housing Group in 2007. A long process of exploring land use and design solutions to resolve commercial and planning objectives followed. Another outline application (11/01360/OUT) and a full application (11/01360/FUL) were both submitted for the Part full (Phase I), part outline (Phase 2) Validated - 31/08/2011 Decision Issued - 02/11/2012 A further full application (14/01470/FUL) for Phase 2 - mixed-use redevelopment including residential Validated - 09/09/14 Decision Issued - 06/02/15
Planning to delivery period	Planning to delivery period = 10 years
Build period	First completions in 2014/15 2014/15 - 216 2015/16 - 3 2016/17 - 0 2017/18 - 0 2018/19 - 426
Notes from LPA	N/A

Land adjoining Manchester Ship Canal - Trafford (449 units)	
Planning approval period	Planning Approval Period = 4.4 years Outline application for up to 550 dwellings (APP: H/OUT/68617) Validated - 24/12/2007 Decision Issued - 30/07/2010 First reserved matters application (78681/RM/2012) Validated - 12/05/2012 Decision Issued - 27/07/2012
Extended planning period	86160/OUT/15 - Application to extend the time limit for the implementation of H/OUT/68617 Validated - 09/07/2015 Decision Issued - 26/09/2019 The overall area was split between two separate sites- 'Land off Hall Lane' and 'Lock Lane'. The reserved matters application for Lock Lane concluded that only 298 dwellings would be included within the development (APP: 100110/RES/20). Validated - 17/02/2020 Decision Issued - 27/01/2021 Meanwhile, a full planning application was submitted for 151 dwellings relating to the Land off Hall Lane part of the site (APP: 100109/FUL/20) Validated - 17/02/2020 Decision Issued - 24/03/2021
Planning to delivery period	N/A - No delivery to date
Build period	None to date
Notes from LPA	N/A

Ordsall Lane, Salford (394 units)	
Planning approval period	Planning Approval Period = 0.7 years Full planning application 19/74531/FUL Validated - 13/12/2019 Decision Issued - 12/08/2020
Extended planning period	N/A
Planning to delivery period	Planning to delivery period 1.1 years
Build period	First completions in 2021/22 2021/22 - 121 2022/23 - 273 Complete in 2 years
Notes from LPA	N/A

Chatham Street Car Park, Reading (307 units)	
Planning approval period	Planning Approval Period = 2.4 years Outline application 03/00825/OUT Validated - 17/07/2003 Decision Issued - 12/10/2004 Full application 05/00849/FUL/JL for phase I comprising a mixed use development including 307 residential units Validated - 27/07/2005 Decision Issued - 29/11/2005
Extended planning period	N/A
Planning to delivery period	Planning to delivery period 2.8 years
Build period	First completions in 2008/09 2008/09 - 96 2009/10 - 120 2010/11 - 91 Complete in 3 years
Notes from LPA	N/A

Land at Canons Marsh Road, Bristol (272 units)	
Planning approval period	Planning Approval Period = 4 years Outline planning permission 01/00986/F was first resolved to be approved in October 2001 and the s.106 agreement signed in February 2003. Validation - 01/10/2001 (we do not have a validation date for 01/00986/F so we have used the committee date, as the earliest date we can obtain) Decision Issued - 01/02/2003 Phase 2 - Section 73 Permission Ref: 04/03230/X which encompassed Building 9 for residential development Validated - 30/07/2004 Decision Issued - 03/10/2005
Extended planning period	N/A
Planning to delivery period	Planning to delivery period 2 years
Build period	First completions in 2007/08 2007/08 - 62 2008/09 - 145 2009/10 - 6 2010/11 - 33 2011/12 - 23 2012/13 - 3
Notes from LPA	N/A

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Neutral Citation Number: [2015] EWHC 1078 (Admin)

Case No: CO/4846/2014

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
PLANNING COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 21/04/2015

Before:

MR JUSTICE JAY

Between:

CALVERTON PARISH COUNCIL
- and -
(1) NOTTINGHAM CITY COUNCIL
(2) BROXTOWE BOROUGH COUNCIL
(3) GEDLING BOROUGH COUNCIL
-and-
(1) PEVERIL SECURITIES LIMITED
(2) UKPP (TOTON) LIMITED

Claimant

Defendants

Interested Parties

Richard Turney (instructed by **Public Access**) for the **Claimant**
Morag Ellis QC and Annabel Graham-Paul (instructed by **Nottingham, Broxtowe and**
Gedling Borough Councils) for the **Defendants**
Richard Honey (instructed by **Walker Morris, Leeds**) for the **Interested Parties**

Hearing date: 24th March 2015

Approved Judgment

The Hon. Mr Justice Jay:

Introduction

1. This is an application brought under section 113 of the Planning and Compulsory Purchase Act 2004 (“the Act”) to quash, in part, the Greater Nottingham - Broxtowe Borough, Gedling Borough and Nottingham City - Aligned Core Strategies (“the ACS”), adopted by the Defendants in September 2014. The ACS is part of the development plan for each of the three Council’s areas.
2. Broxtowe Borough and Gedling Borough are contiguous with the outer boundary of the city of Nottingham, and substantially comprise Green Belt. The Claimant is a Parish Council within Gedling Borough and may be described as an enclave within Green Belt. Two Interested Parties have intervened in these proceedings: they own land at Toton, which is within Broxtowe Borough and technically, Green Belt. Although Toton is some distance away from the city boundary, it may fairly be characterised as within the main built-up area of Nottingham.
3. Development within Green Belt is never without controversy. It is clear from the “Chronology of Events”, namely Appendix 1 to the witness statement of Alison Gibson dated 11th November 2014, that a strategic review of the Nottingham-Derby Green Belt has been on the table for some time. The precise concatenation of events is not relevant to this application. The ACS was subject to independent review by a planning Inspector, Ms Jill Kingaby, and examination hearings took place in 2013 and 2014. On 24th July 2014 the Inspector published her report, approving the ACS with modifications. The Claimant’s advisors identified what were considered to be legal deficiencies in the report, but notwithstanding its contentions the ACS was adopted by the three Councils on various dates in September 2014.
4. The Inspector’s report and the ACS will require more detailed exposition subsequently. At this stage, it is appropriate to turn to the relevant legislative framework. I will focus now on the legislative provisions relevant to Grounds 1 and 2; Ground 3 raises a discrete point, and will be addressed subsequently.

The Statutory Scheme

5. I was taken to all the relevant provisions of the Act. Some of these explain the status of the ACS as a local plan, included in the local development documents which form part of the development plan for each of the three Council’s areas (see, in particular, sections 15, 17 and 38). I will concentrate on the statutory provisions which bear on the issues between the parties.
6. Section 19(2) of the Act provides:-

“In preparing a development plan document or any other local development document the Local Planning Authority must have regard to –

(a) national policies and advice contained in guidance issued by the Secretary of State;

...

(h) any other local development document which has been adopted by the Authority;”

7. Section 20 provides for independent examination by the Secretary of State’s Inspector. Pursuant to section 20(5):-

“The purpose of an independent examination is to determine in respect of the development plan document –

a) whether it satisfies the requirements of section 19...;

b) whether it is sound;”

8. The definition of the adjective “sound” is not to be found in the Act itself but in national policy - the latter being “guidance issued by the Secretary of State” for the purposes of sections 19(2)(a) and 34, and to which regard must be paid.

9. Miss Morag Ellis QC for the Defendants placed particular weight on section 39 of the Act, which provides:-

“Sustainable Development

1) This section applies to any person who or body which exercises any function –

b) under Part 2 of this Act in relation to local development documents;

...

2) The person or body must exercise the function with the objective of contributing to the achievement of sustainable development”

10. I agree that this confers a positive obligation on the Councils, but its limitations need to be understood. “Sustainable development” is not a concept which is defined in the Act, in which circumstances the enlightenment which is required may only be found in national policy.

11. Section 113 confers powers on this Court to intervene if satisfied “that a relevant document [including a development plan] is to any extent outside the appropriate power”. It is common ground that the jurisdiction of this Court on this statutory appeal is akin to Judicial Review. The Court of Appeal has explained on a number of occasions (see, for example, Blythe Valley BC v Persimmon Homes (North East Limited) and another [2009] JPL 335) that whether a development plan complied with national policy guidance was largely a matter of planning judgment with which the

Court should be slow to interfere, subject always to that guidance being properly understood.

National Policy

12. Relevant national policy is located in the National Planning Policy Framework (“the NPPF”), published by the Department for Communities and Local Government in March 2012. I was taken to the National Planning Policy Guidance finalised in March 2014. This is referred to in the Inspector’s report, but in my view does not significantly supplement the NPPF.
13. “Sustainable development” is not expressly defined in the NPPF, but light is nonetheless thrown on it. The effect of paragraph 6 of the NPPF is that the substantive policies set out elsewhere in this national policy, interpreted and applied compendiously, amount to the Government’s view of what sustainable development means. On one view, it represents a balance between three factors – economic, social and environmental – which are admittedly not necessarily complementary (see paragraph 7). On another, if certain environmental factors are identified, then their weight must be assessed and these factors constitute a restriction or brake on what would otherwise be sustainable development. The NPPF is not worded with fine legal precision (it is a policy, not a commercial contract), but some further assistance is given by paragraph 14, which provides: -

“At the heart of the NPPF is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

For **plan-making** this means that:-

- Local Planning Authorities should positively seek opportunities to meet the development needs of their areas;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;
 - or
 - specific policies in this framework indicate development should be restricted.”

14. This last aspect is footnoted as follows:-

“For example, those policies relating to sites protected under the Birds and Habitats Directive (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of

Outstanding Natural Beauty, heritage coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.”

15. I agree with Miss Ellis that development which meets objectively assessed needs is presumptively sustainable, but I would add that the preposition “unless” is drawing attention to a policy constraint. That approach is reinforced by the footnote.
16. The parties are agreed that paragraph 47 of the NPPF is another important provision. It provides:-

“To boost significantly the supply of housing, Local Planning Authorities should:

- Use their evidence base to ensure that their local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this framework, including identifying key sites which are critical to the delivery of the Housing Strategy over the plan period;
- Identify and update annually a supply of specific deliverable sites sufficient to provide 5 years’ worth of housing against their housing requirements with an additional buffer of 5%...
- Identify a supply of specific, developable sites for broad locations for growth, for years 6-10 and, where possible, for years 11-15;

...”

17. The subordinate clause, “as far as is consistent with the policies set out in this framework”, is arguably slightly more generous (in terms of favouring sustainable development) than the “unless” in paragraph 14 of the NPPF, but ultimately nothing turns on this. It should be emphasised, though, that paragraph 47 does not create a statutory duty (c.f. section 39(2) of the Act); it constitutes policy to which regard must be had.
18. Section 9 of the NPPF deals with “Protecting Green Belt Land”. A fundamental aim of Green Belt policy is to prevent urban sprawl. Under paragraph 80 of the NPPF, the Green Belt serves five purposes, one of which is explicitly environmental – “to assist in safeguarding the countryside from encroachment”. Paragraphs 83 and 84 are particularly relevant, and provide:-

“83. Local Planning Authorities with Green Belts in their areas should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review

of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

84. When drawing up or reviewing Green Belt boundaries Local Planning Authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.”

19. Paragraphs 83 and 84 are, clearly, complementary provisions. Mr Richard Turney for the Claimant is entitled to emphasise the second sentence of paragraph 83. The review process referred to in paragraph 84 cannot ignore that sentence. On the other hand, I agree with Miss Ellis that the review process must consider “sustainable patterns of development” – e.g. the desirability of an integrated transport network. During any review process, the *consequences* for sustainable development must be carefully considered. The second sentence of paragraph 84 is not altogether clear. On the face of things, it might well be argued that it appears to reinforce the need to protect the Green Belt, but in my view it is capable of being interpreted slightly more broadly. The *consequences* for sustainable development may require revision of the Green Belt. Nonetheless, I do not readily agree with Miss Ellis that paragraph 84 throws any light on the meaning of “exceptional circumstances” within paragraph 83, or should be taken as somehow diluting this aspect. Sustainable development embraces environmental factors, and such factors are likely to be negatively in play where release of Green Belt is being considered. The second sentence of paragraph 83 supplies a fetter or brake on development which would, were it not for the Green Belt, otherwise be sustainable; but in deciding whether exceptional circumstances pertain regard must be had to the whole picture, including as I have said the *consequences*.
20. “Exceptional circumstances” remains undefined. The Department has made a deliberate policy decision to do this, entrusting decision-makers with the obligation of reaching sound planning judgments on whether exceptionality exists in the circumstances of the individual case.
21. Paragraph 150ff of the NPPF deal with “Local Plans”. Paragraph 151 reflects section 39(2) of the Act. Paragraph 152 is material and provides:-

“Local Planning Authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation

measures are not possible, compensatory measures may be appropriate.”

22. I read this provision as making clear that the identification of “exceptional circumstances” (although not expressly mentioned) is a planning judgment for the Local Planning Authority. However, net gains across all three of the dimensions of sustainable development may not always be possible. In these circumstances, the impingement on environmental factors will require the identification of exceptional circumstances in order to be justified (“significant adverse impacts on any of these dimensions should be avoided”), and - to the extent that this cannot be achieved - must be ameliorated to the extent possible.
23. I appreciate that section 39(2) of the Act imposes a positive obligation to achieve sustainable development, and that if such development is not carried out then there would be harm to the economic and social dimensions which form part of this concept. However, I do not accept Miss Ellis’ submission that the issue boils down to the balancing of three *desiderata*. Review of Green Belt in the face of sustainable development requires exceptional circumstances. Refraining from carrying out sustainable development, and thereby causing social and economic damage by omission, does not.
24. Paragraph 182 of the NPPF explains the meaning of “sound”:-

“The local plan will be examined by an independent Inspector whose role is to assess whether the plan has been prepared in accordance with the duty to co-operate, legal and procedural requirements, and whether it is sound. A Local Planning Authority should submit a plan for examination which it considers is “sound” – namely that it is:

- **Positively Prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable developments;
- **Justified** – the plan should be the most appropriate strategy, when considered against a reasonable alternative, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priority; and
- **Consistent with National Policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”

25. The phrases “consistent with national policy” and “in accordance with the policies in the Framework” reflect earlier language; and, ultimately, sections 19 and 34 of the Act.

The ACS

26. Within the ACS, aspects of Policy 2, “The Spatial Strategy”, and Policy 3 “The Green Belt”, are under challenge. As I have said, the Inspector approved the ACS with modifications, and the version in the bundle contains the Inspector’s input. I will examine the ACS in its final, modified form.
27. Policy 2 states that a minimum of 30,550 new homes will be provided for between 2011 and 2028, with the majority in the main built-up area of Nottingham. Paragraph 2 of Policy 2 refers to a “settlement hierarchy” of growth, with the main built-up area of Nottingham being at the top of the tree, and “Key Settlements” at the third tier. Calverton is specified as a “Key Settlement”, with up to 1,055 new homes. It is common ground that the building of these homes will require a revision of the existing Green Belt boundary. These “Key Settlements”, and other “Strategic Locations” which are marked on the ACS with an asterisk, “will be allocated through Part 2 Local Plans”. On the other hand, “Strategic Allocations”, including the Interested Parties’ land at Toton, and land at Field Farm, are available for development from the date of adoption.
28. Policy 2 also sets out the justification for the approach taken. I have had regard to paragraph 3.2.10, but will focus for the purposes of this Judgment on the Inspector’s Report.
29. Policy 3 deals with the Green Belt. Save for the “Strategic Allocations” already considered, the policy contemplates that the detailed review of Green Belt boundaries, to the extent necessary to deliver the distributions in Policy 2, will be undertaken in what is described as “Part 2 Local Plans”. A sequential approach will then be deployed, prioritising the use of land which is not currently within Green Belt. To the extent that adjustment of any Green Belt boundary is required, regard will be had in particular to its statutory purposes.
30. Paragraph 3.3.1 is clearly germane:-
- “The Nottingham-Derby Green Belt is a long established and successful planning policy tool and is very tightly drawn around the built-up areas. Non-Green Belt opportunities to expand the area’s settlements are extremely limited and therefore exceptional circumstances require the boundaries of the Green Belt to be reviewed in order to meet the development requirements of the Aligned Core Strategies in Part 2 Local Plans.”
31. It is clear from this that the Defendants appear to have had regard to the criterion of “exceptional circumstances”. The issue raised by Mr Turney’s submissions is whether the approach taken properly engaged with it.

The Inspector's Report

32. The proceedings before the Inspector were lengthy and complex, and a mass of evidence – only some of which is before the Court in these proceedings – was supplied. It is unnecessary to dwell on the proceedings, save to pause to consider a number of points advanced by Mr Turney during his oral argument.
33. Before and during the course of the proceedings, the Inspector appears to have formulated, with the assistance of the parties, the main issues arising in relation to each of the elements of the ACS policy. Thus, as regards “the Spatial Strategy and Housing Policy”:-

“The main issues are:

- i. whether the local context, vision and spatial objectives set out in Chapter 2 of the ACS objectives are appropriate, locally distinctive and provide a sound basis for planning the area over the next 15 years; whether Policy 2, the spatial strategy, follows logically from the local context, vision, and spatial objectives, and is sound (i.e. positive, justified, consistent with national policy and capable of delivery); and
- ii. whether appropriate provision is made for new housing in the three Local Authority areas, having regard for the requirements of the NPPF and taking account of the proposed numbers, the phasing and distribution of housing, affordable housing, and provision for gypsies and travellers, and other groups.”

A number of specific questions were then posed, which I have borne in mind.

34. As for “Green Belt”:

“The main issue is: whether the spatial strategy and Policy 3 of the ACS are consistent with the fundamental aim and purposes of Green Belts as set out in the NPPF, and whether the proposals for alterations to Green Belt boundaries are underpinned by the quick review processes and justified by exceptional circumstances.

Questions

The Councils contend that, having objectively assessed the full need for housing across their areas and reviewed their strategic housing land availability assessments, some alteration to Green Belt boundaries is required to accommodate the growth in housing and associated development. Is there substantive evidence to counter this argument?

The ACS is founded on a two-stage review of Green Belt boundaries: (i) strategic assessment to find the most sustainable locations for large scale development around Greater Nottingham and define a limited number of strategic allocations for growth, and (ii) a detailed examination of individual sites and settlements suitable for sustainable growth with precise boundaries being established in subsequent development plan documents. Given the commitment of the Local Authorities to produce core strategies and consequent, more detailed development plan documents, what precisely is wrong with this two-step approach reviewing the Green Belt? Will it delay the development process unreasonably as some suggest?"

Mr Turney criticised both the formulation of these questions and the Defendants responses to them, and I have had regard to both.

35. On 23rd October 2013 the Inspector sent a note to the parties which said, amongst other things: -

“Having reviewed all the evidence in respect of housing requirements for the full plan area, I consider the Policy 2: the Spatial Strategy which states that “a minimum of 30,550 new homes will be provided for” is sound.”

36. Mr Turney made much of this, in support of a submission that the Inspector came to a conclusion on the issue of soundness before addressing the Green Belt and environmental considerations which were plainly relevant to that issue. I will revert to this alleged criticism in due course.

37. The Inspector’s report is quite lengthy, and it would unnecessarily overburden this Judgment if I were to set out every single relevant passage. I will therefore focus on what is key, reassuring the parties that I have borne in mind the entire document.

38. The key passages in the Inspector’s report include the following:-

“29. Local Plans should meet the full, objectively assessed needs for market and affordable housing in their HMA, as far as is consistent with other policies set out in the NPPF. This requires an initial assessment of “need” based on likely demographic change over the plan period...

40. ...I consider that the significant boost in housing supply, to which paragraph 47 of the NPPF refers, is absolutely necessary to reverse the long-term, upward trend in real house prices associated with undersupply and the growing numbers of people, notably young adults and families, who find suitable housing unaffordable.

41. Even though a boost in Greater Nottingham’s housing provision as envisaged may not on its own reduce higher house prices significantly, it should make a positive contribution to

balancing the mismatch between supply and demand/need ... a failure to encourage overall house building would only restrict further the availability of affordable, as well as new market, housing ...

45. I have taken account of the Court of Appeal judgment for “Hunston”. I have noted the Councils’ observation that, whilst the judgment pronounced on the interpretation of the first two bullet points in paragraph 47 of the NPPF, the planning decision did not directly consider the question of the soundness or otherwise of a development plan. The issue in dispute was whether, in advance of the area-wide balancing of the many facets of sustainable development which are needed to secure a sound local plan, a Section 78 Inspector could or should take account of policy constraints when deciding what was the relevant figure for “full, objectively assessed needs”.

48. Nevertheless, the Hunston judgment importantly sought “a definitive answer to the proper interpretation of paragraph 47” of the Framework. The judgment is clear that the full objectively assessed needs for housing in the area have to be the starting-point when assessing the adequacy of housing supply... The approach to housing need assessment which the judgment supports is not therefore different to that supported by the PPG, which as explained above, I have fully considered in examining in the ACS.

47. Policy 2 of the ACS states that “a minimum” of 30,550 new homes would be provided, which wording should encourage and not impede the provision of additional housing. In looking to meet the needs, the councils have assumed that fewer houses will be developed on windfall sites than in past, once an up to date local plan underpinned by regularly reviewed SHLAAs is in place. However, if windfalls continue to come forward at the same rate as in the past, this should not be perceived as a negative factor as the aim is to boost the supply of new housing. Proposed change **Mod 3**, reinforces the essential point that the councils will adopt a proactive and positive approach to the delivery of new housing.

48. Proposed new paragraph 3.2.6a, **Mod 6**, includes a commitment to review the ACS’s future housing projections, based on the 2011 Census data and expected in 2014, show that the Councils’ assumptions underpinning its planned housing provision are no longer appropriate. **Mod 17** sets out the process and timing for initiating such a review. The NPPF expects local plans to meet their full needs for housing, “as far as is consistent with the policy set out in the Framework”. Subsequent sections of my report address policy for the distribution of housing across the authorities, policy for protecting the Green Belt, for environmental and infrastructure

planning, among other things. These confirm that delivery of the minimum housing numbers should be feasible. I agree with the Councils that there should be no insurmountable constraints to meeting the fully objectively assessed need for housing.

49. I conclude that the overall level of housing provision proposed by the ACS is justified and consistent with national planning policy. The proposed changes are necessary to reflect the Councils' commitment to keep the local plan under review and to ensure that the planned level of housing remains sound.

...

67. Understandably, there is considerable amount of local opposition to the prospect of development here in the Green Belt [in the context of Field Farm]. However the work which has been done to identify the site and will continue to take it forward has been undertaken by the Council as a democratically elected local planning authority. It considers that it has made its decision in the best interests of the Borough and its people, particularly those who now or in the future will need a home of their own. Having regard to the housing requirements and limited availability of alternative sustainable sites, the Councils' decision to allocate this site in the ACS meets the exceptional circumstances requirement as set out in the NPPF for the alteration of Green Belt boundaries. Field Farm's inclusion as a strategic allocation in the ACS is justified.

...

70. ...I share the Councils' view that the potential for land at Toton to help meet the requirements for housing and mixed use development in Broxtowe Borough constitutes the exceptional circumstances needed to remove the land from the Green Belt. Its potential to maximise the economic benefits from the proposed HS2 station reinforces the Councils' case for changing the Green Belt boundary at Toton.

...

98. The NPPF seeks a significant boost in the supply of housing, and this is not required to occur only in the first five years of a plan. The first bullet of paragraph 47 expects local plans to meet their full, objectively assessed needs "as far as is consistent with the policies set out in this Framework". Although The Court of Appeal judgment (Hunston) quotes protection of the Green Belt and land in an area of outstanding natural beauty or national park as examples of such policies, I see no justification to look only at land-use designation policies. The NPPF includes a range of other policy matters

requiring local plans to be aspirational but realistic, to take account of relevant market and economic signals, and be effective and deliverable.

99. In this case, I am satisfied that the prospective build rates for each 5 year tranche do not represent an attempt to suppress house building in the early years or rely on past poor economic conditions to justify low housing targets. The proposed build rates are supported by convincing evidence on the operation of housing markets ... As the Councils argued, however, significantly increasing the supply of sites in the early years would not necessarily speed delivery, would require the release of additional Green Belt land contrary to national policy, and could delay progress on some of the more challenging regeneration sites.

...

Issue 2 – Whether the Spatial Strategy and Policy 3: the Green Belt are consistent with the NPPF and whether the approach to making alterations to the Green Belt is justified.

110. ...In order to meet the housing requirements of 30,550 new homes and achieve sustainable growth with supporting infrastructure, jobs and services, I accept the Councils' judgement that future development will have to extend beyond Nottingham's main built up area.

111. The NPPF continues the well-established planning policy of protecting Green Belt land. The Green Belt boundaries are drawn tightly around Nottingham, and to promote development beyond the Green Belt's outer edge would extend travel to work and for other purposes in an unsustainable fashion. Areas of safeguarded land exist in Gedling Borough, but these are unlikely to meet all the plan area's development requirements outside the main built up area. I agree with the Councils that the exceptional circumstances required for alterations to Green Belt boundaries exist.

...

113. The evidence base was criticised as being too dated, related to a different search for more substantial extensions, and not subject to adequate public consultation. However, I accept that the Green Belt and settlement pattern are largely unchanged since 2005/6 ... Ashfield District Council I am advised, assessed all possible sites against the five purposes of including land in the Green Belt enabling the least valuable sites to be identified. Even if the assessment of the ACS area was more strategic, I consider that sufficient investigation of the characteristics of

potential sites for developments of differing sizes was carried out...

114. The ACS envisages a two-staged approach to altering Green Belt boundaries, with the precise boundaries for individual sites to be released from the Green Belt being established in the Part 2 Local Plans. The NPPF does not directly support this approach, probably because it expects a single local plan for each authority in contrast to the previous preference for a core strategy followed by more detailed development plan documents. Newark and Sherwood and South Staffordshire with adopted plans were cited as authorities which had used the two-stage approach taken by the Greater Nottingham Councils.

...

116. I have considered the arguments that a more rigorous assessment could have been carried out of the inner urban edge of the Green Belt, before sites which would only result in long-distance commuting were selected ...

117. Regarding the risk of coalescence of Kimberley, Whatnall and Nuthall, I consider it appropriate that the Part 2 Local Plan should assess the impact of any new development at this more detailed level, having regard for the aim and purposes of the Green Belt...

118. I strongly support the view that, with a two-stage review process, the ACS should give more direction to Part 2 Local Plans to emphasise that Non-Green Belt sites have first preference, and that sites to be released from the Green Belt must have good sustainability credentials. A sequential approach should secure an effective policy consistent with national policy, and this would be achieved with main modification **Mod 18...**"

Relevant Jurisprudence

39. The Court of Appeal in St Albans CC v Hunston Properties Limited and another [2014] JPL 599 endorsed a two-staged approach to the application of paragraph 47 of the NPPF. The first stage is to reach a conclusion as to the "full objectively assessed needs for market and affordable housing". This is a purely quantitative exercise. The second stage involves an exercise of planning judgement (in relation to development control or the formation of a local plan, as the case may be) as to whether the policy constraints in the NPPF carry the consequence that the objectively assessed needs should not be met. The issue in Hunston was whether "very special circumstances" existed (see paragraphs 87 and 88 of the NPPF), but in my judgment the position must be the same in a case involving a local plan.

40. At paragraph 10 of his judgment, Sir David Keene said this:-

“The Framework does not seek to define further what “other considerations” might outweigh the damage to the Green Belt, but in principle there seems no reason why in certain circumstances a shortfall in housing land supply might not do so.”

41. The two-stage approach underwent further examination in Solihull Metropolitan Borough Council v Gallagher Estates Limited and another [2014] EWCA Civ 1610. In that case, Laws LJ endorsed the conclusion of Hickinbottom J that:-

“Paragraph 47 requires full housing needs to be objectively assessed, and then a distinct assessment made as to whether (and, if so, to what extent) other policies dictate or justify constraint.”

Mr Turney placed particular reliance on paragraph 36 of the judgment of Laws LJ. There, he said:-

“The fact that a particular site within a Council’s area happens not to be suitable for housing development cannot be said without more to constitute an exceptional circumstance, justifying an alteration of the Green Belt by the allocation to it of the site in question. Whether development would be permitted on the sites concerned in this case, were they to remain outside the Green Belt, would depend upon the Council’s assessment of the merits of any planning application put forward.”

42. Mr Turney sought to turn this through 180 degrees, and submitted that the fact that a particular site happens to be suitable for housing development cannot, without more, constitute an exceptional circumstance justifying an alteration of the Green Belt. I agree with Mr Turney insofar as this goes, but in my view there is not a precise symmetry here. The issue in Solihull was whether land could be allocated to Green Belt: in other words, the point was addition, not subtraction. The mere fact that a particular parcel of land happens to be unsuitable for housing development cannot be a Green Belt reason for expanding the boundary. In a case where the issue is the converse, i.e. subtraction, the fact that Green Belt reasons may continue to exist cannot preclude the existence of countervailing exceptional circumstances – otherwise, it would be close to impossible to revise the boundary. These circumstances, if found to exist, must be logically capable of trumping the purposes of the Green Belt; but whether they should not in any given case must depend on the correct identification of the circumstances said to be exceptional, and the strength of the Green Belt purposes. In the present context, one needs to continue to bear in mind paragraph 10 of Hunston (see paragraph 39 above), and to draw a distinction between, on the one hand, suitability without more, and on the other hand, suitability and availability. Suitability *simpliciter* cannot logically be envisaged as an exceptional circumstance (here, the second sentence of paragraph 36 of Solihull applies); suitability and availability may do, subject to the refinements discussed below.

43. Miss Ellis placed particular reliance on the decision of Patterson J in IM Properties Development Limited v Lichfield District Council [2014] EWHC 2440 (Admin). This case was decided after the first instance decision in Solihull and before the case reached the Court of Appeal. Patterson J observed that the only statutory duty was that contained in section 39(2) of the Act (see paragraph 97 of her judgment). At paragraphs 99 and 100 Patterson J said this:-

“99. Here, the release from the Green Belt as proposed in Lichfield which is seen by the Defendant as consistent with the town-focused spatial strategy. The further releases have been the subject of a revised sustainability appraisal by the Defendant. That found that no more suitable alternatives existed for development.

100. The principal main modifications endorsed by the Defendant expressly referred to the Green Belt review and to the supplementary Green Belt review as informing the release of Green Belt sites. They contained advice as to the relevant test that members needed to apply. Both documents were available to the decision-making committees and were public documents. Ultimately, the matter was one of planning judgement where the members had to consider whether the release of Green Belt land was necessary and, in so determining, had to be guided by their statutory duty to achieve sustainable development.”

44. “Necessary” may be seen as broadly synonymous with “the existence of exceptional circumstances”. Mr Turney submitted that these passages are both *obiter* and inconsistent with Solihull. It is unnecessary for me to reach concluded views about this. My preference would be to express the point made in the final sentence of paragraph 100 slightly differently: the issue is whether, in the exercise of planning judgment and in the overall context of the positive statutory duty to achieve sustainable development, exceptional circumstances existed to justify the release of Green Belt.

The Claimant’s Grounds

45. Mr Turney has advanced three grounds on behalf of the Claimant, namely:
- (1) Failure to consider whether housing numbers should be reduced to prevent release of Green Belt land;
 - (2) Failure to apply national policy in considering the release of Green Belt land;
 - (3) Failure to comply with the Environmental Assessment of Plans and Programmes Regulations 2004 (“the SEA Regulations”).

The Claimant's Grounds Developed

46. As I indicated during oral argument, it seems to me that Ground 2 is logically prior to Ground 1. They are, in any event, inextricably intertwined. Accordingly, I will take these together. Although advanced under a different statutory regime, it also seems to me that Mr Turney's third Ground interacts with his earlier Grounds.
47. The primary thrust of Mr Turney's submission, both in oral argument and in his written Reply, is that the Inspector adopted a circular approach. The evidence demonstrates that she considered the 30,550 figure for new housing, and concluded that it was sound, before paying any attention to the environmental and Green Belt constraints. This is borne out by the note the Inspector sent to the parties (see paragraph 35 above), and indeed her examination of Policy 2 in her report. At no stage, so the submission runs, did the Inspector properly consider whether the meeting of objectively assessed needs would be consistent with national policy; and, if so, to what extent. Furthermore, the formulation of the main issue assumed that objectively assessed needs should be met: hence the circularity. Put another way, the "exceptional circumstances" are defined as the requirement to meet the objectively assessed needs.
48. On Mr Turney's argument, the use of the term "insurmountable constraints" in paragraph 48 of the Inspector's report shows that proper regard was not paid to the question of "exceptional circumstances"; the two terms or concepts cannot be readily assimilated the one to the other. Accordingly, the Inspector's approach violated paragraph 47 of the NPPF and a proper application of the two-stage test stipulated by the Court of Appeal in Hunston.
49. Mr Turney advanced two further, specific submissions. First, he contended that the hierarchical approach underpinning both the Inspector's report and the ACS itself suggests there were no exceptional circumstances. Secondly, Mr Turney advanced a methodological attack on the two-stage process, namely Part 1 and Part 2 of the Local Plan. The application of this two-staged process meant that exceptional circumstances were ignored or sidelined: on the one hand, they were not properly considered within Part 1 (because the assumption was that the review of the Green Belt boundary would be left over to Part 2); on the other hand, when Part 2 is reached there would be no room for considering exceptional circumstances, because any later development plan document would have to accord weight to the ACS. The die has been cast. In support of this submission, Mr Turney drew on the Inspector's analysis of the position relating to Field Farm, where exceptional circumstances were considered. Without prejudice to his submission that this analysis was also flawed (and he made the same point as regards the Interested Parties' land, where exceptional circumstances were found), his contention was that a similar approach both could and should have been consistently applied throughout.

Analysis and Conclusions on Grounds 1 and 2

50. I agree with Mr Turney that it would be illogical, and circular, to conclude that the existence of an objectively assessed need could, without more, be sufficient to amount to "exceptional circumstances" within the meaning of paragraph 83 of the NPPF. No

recourse to what I called during oral argument the “mantra” of planning judgment could save a decision from a successful section 113 challenge in such circumstances.

51. In a case such as the present, it seems to me that, having undertaken the first-stage of the Hunston approach (sc. assessing objectively assessed need), the planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters: (i) the acuteness/intensity of the objectively assessed need (matters of degree may be important); (ii) the inherent constraints on supply/availability of land *prima facie* suitable for sustainable development; (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt; (iv) the nature and extent of the harm to *this* Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and (v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.
52. Although it seems clear that what I have called an ideal approach has not been explicitly followed on a systematic basis in the instant case, it is a counsel of perfection. Planning Inspectors do not write court judgments. The issue which properly arises is whether the Inspector’s more discursive and open-textured approach, which was clearly carried through into the ACS, was legally sufficient.
53. It is clear from (i) the formulation of the main issues; (ii) the frequent references in the Inspector’s report to the need to protect the Green Belt; and (iii) the several references to “exceptional circumstances”, that the Inspector had in mind the broad contours and content of paragraph 83 of the NPPF. It is indisputable that she had regard to Hunston and the need for a two-staged approach, with the ascertainment of the objectively assessed need being the “initial” stage (to adopt the epithet used by the Inspector). The main issues might have been expressed with slightly more focus and precision, but I do not accept that their formulation somehow dictated, or pre-judged, the outcome. Further, the Inspector’s note dated 23rd October 2013 needs to be read in context: although her reference to the 30,550 housing figure being “sound” is somewhat ambiguous, the note read as a whole indicates that the Inspector had not yet reached a conclusion about Green Belt matters. I read the note as indicating that the Inspector had reached the provisional conclusion which we may now discern at paragraph 48 of her report.
54. Paragraphs 40 and 41 of her report indicate that the Inspector considered that the need for additional housing supply was acute, both generally and in this particular area. Paragraph 48 of the report indicates that in the Inspector’s view the 30,550 figure was both feasible and deliverable, although at that stage she was stating in terms that consistency with other NPPF policies would be considered later in the report. Thus, *pace* Miss Ellis’ skeleton argument and submissions, I do not read the last sentence of paragraph 48 of the report as containing any finding about exceptional circumstances. We see such a finding at paragraphs 67 and 70 (in relation, respectively, to Field Farm and the Interested Parties’ land at Toton), and at paragraph 110ff. The “insurmountable obstacles”, or their absence, relate to matters of feasibility and deliverability. Even if I am wrong about this, and paragraph 48 is to be read as a harbinger of paragraph 111, it seems clear that what the Inspector must be taken to

have meant is that the reason why the obstacles were surmountable was that exceptional circumstances existed.

55. Field Farm and Toton are separately addressed because these sites were allocated in the ACS as land suitable for immediate development. The Inspector was considering specific sites, not strategic areas the precise delineations of which would require subsequent analysis and review. The key sentence in paragraph 67, “having regard to the housing requirements and limited availability of alternative, sustainable sites”, contains in these circumstances a logically coherent reason for holding that exceptional circumstances existed. Mr Turney sought to persuade me that the issue of limited availability could not sensibly add to the issue of objective assessment of need, but I cannot agree; this was a free-standing factor which was clearly capable of amounting to an exceptional circumstance. Additionally, an examination of all the reasoning contained within paragraphs 63-67 of the report reveals that the Inspector paid regard to the purposes of the Green Belt, the nature and quality of the proposed impingement, and the issue of sustainability. As for the latter, this Green Belt was drawn close to the City boundary and it would have been difficult to have undertaken sustainable development beyond the outer boundary of the Green Belt. This was an issue which, albeit hardly decisive, was properly taken into account – it is referred to specifically in paragraph 84 of the NPPF. All these factors were properly assessed in determining the existence of exceptional circumstances.
56. A similar approach underpins the Inspector’s broader consideration of the Spatial Strategy and Policy 3 within the ACS. The formulation of the issue, “whether the approach [in the ACS] to making alterations to the Green Belt is justified”, is a reference to paragraphs 47, 83 and 86 of the NPPF. At paragraph 110, the Inspector accepts the Defendants’ contention that the acuteness of the need is such that some intrusion into the Green Belt (and its consequent revision) will be required. Paragraph 111 may be quite brief but, read both in isolation and in conjunction with the remainder of the report, makes clear that the Inspector is continuing to ask herself the same sorts of questions that she posed, and answered, at paragraphs 63-67 of her report: viz. (i) limited availability; (ii) the location of the Green Belt in relation to the main built-up area of Nottingham; and (iii) sustainability (to which paragraph 86 of the NPPF relates, in particular). Footnote 26 to her report (relating to the first sentence of paragraph 111) is a legally accurate statement of the position under paragraphs 47, 83 and 86 of the NPPF. It follows that the core conclusion in the first sentence of paragraph 111 of the report – that exceptional circumstances exist – cannot be successfully impugned. Albeit with less than complete precision, I consider that the Inspector has, at least in legally sufficient terms, followed the sort of approach I have set out under paragraphs 19, 21, 22 and 43 above.
57. I agree with Miss Ellis that Mr Turney’s submissions go too far, and tend to the very circularity he seeks to identify in the Inspector’s report. Specifically, his submissions are in danger of according excessive weight to paragraph 83 of the NPPF, by stacking up a series of objections to sustainable development which came close to being insurmountable.
58. As for Mr Turney’s separate point about the two-staged approach adopted by the ACS, I agree that, in principle, there is a danger of the issue of exceptional circumstances falling between two metaphorical stools. If, for example, exceptional circumstances were not properly considered at Stage 1, it would be difficult for the

issue properly to be addressed at Stage 2. Although section 19(2)(a) of the Act would no doubt continue to apply, the ACS would be a powerful dictator of subsequent policy, particularly in circumstances where Stage 2 is only concerned with the detail, and not with the principle.

59. The question arises of whether the flawed approach I have just outlined was, in fact, the approach adopted by the Inspector. In my judgment, it was not. As the Inspector correctly observed, a two-staged approach is not impermissible in principle although it is not expressly authorised by the NPPF. The Inspector recognised that there were some weaknesses inherent in such an approach (see paragraphs 116 and 117), but these were manageable. In my judgment, the key point is that the Inspector was able to reach an evidence-based conclusion as to the presence of exceptional circumstances at the first stage, and that she was not in some way adjourning the matter over for substantive consideration at Stage 2. Further, in modifying the ACS so as to achieve a sequential approach to site release (with Green Belt release occurring, as it were, last) the Inspector was achieving an overall state of affairs which, as she put it, “should secure an effective policy consistent with national policy” (paragraph 118). Not merely was this a legally tenable approach, it was in my judgment both sensible and appropriate in the circumstances of the instant case. I would not go so far as to hold that paragraph 118 of the report directly applied paragraph 83 of the NPPF, and somehow satisfied the touchstone of exceptional circumstances; but what it did was to bring about an outcome which has the strong tendency to protect the Green Belt and its purposes. For example, to the extent that release of Green Belt land would be required, the first candidate for release would be land nearer the inner boundary. The sequential approach was, therefore, a factor to be taken into account.
60. I agree with Miss Ellis that in relation to the Part 2 Local Plan exercise it would remain incumbent on the Defendants to act consistently with national policy, in line with sections 19(2)(a) and 34 of the Act.
61. I am far from convinced that Mr Turney’s first ground really adds to his second. The complaint is that consideration was not given to a figure lower than 30,550, such that revision of the Green Belt might not be required. It is of course correct that the majority of the new housing will not be built on Green Belt land, from which it follows that removing several thousand homes from the aggregate figure could well lead to the consequence that no Green Belt release would be required. However, the issue for the Inspector was whether the release of some Green Belt land was justified, having regard to the objectively assessed need. The Inspector concluded that it was, applying paragraphs 47, 83 and 86 of the NPPF. If it was not justified, the Green Belt boundaries would have remained as before. It was not incumbent on the Inspector to “salami-slice” the objectively assessed need further, and to consider some hypothetical lower number. Such an obligation would only have arisen if meeting the whole of the objectively assessed need was not justified, because exceptional circumstances did not exist to amount to that justification.
62. Given these conclusions, the Interested Parties do not need to succeed on their separate submissions directed to the particular attributes of their land at Toton. However, I accept the submissions of Mr Richard Honey for the Interested Parties that his clients’ land may be separately considered. First, the subject land is a co-ordinated, mixed-use site, and the Claimants in these proceedings are not challenging those aspects of the ACS which cover employment and transport. Secondly, detailed

consideration was given at paragraphs 68-76 of the report to whether exceptional circumstances existed to justify the revision of the Green Belt to accommodate this particular mixed-use site. Given that the Interested Parties' site was both highly sustainable and on built-up land, albeit within Green Belt, the robust conclusions appearing at paragraph 70 of the Report are hardly surprising.

63. It follows that, despite the clarity and force of Mr Turney's submissions on his primary grounds of appeal, I cannot accept them.

Ground 3

64. By this Ground the Claimant seeks to challenge the Defendants' sustainability appraisal dated June 2012, which it is submitted failed to satisfy the requirements of the SEA Regulations. The general principles are not in dispute: the SEA Regulations provide the framework for development consent decisions to be subject to an assessment of their environmental effects, in line with the purposive interpretation mandated by the SEA Directive (2001/42/EC) (see, for a detailed exposition, Walton v Scottish Ministers [2013] PTSR 51).

65. Regulation 12 of the SEA Regulations provides:-

“Preparation of Environmental Report

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

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

(a) implementing the plan or programme; and

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

66. Schedule 2 to the SEA Regulations identifies the matters which, so far as may be relevant, ought to be included in the report.

67. The jurisprudence governing the application of Regulation 12 is not substantially in dispute. I am able to draw heavily on paragraphs 19 and 20 of Mr Turney's Skeleton Argument. The following propositions emerge from the decisions of this Court in Save Historic Newmarket v Forest Heath District Council [2011] JPL 1233 and Heard v Broadland DC [2012] Env LR 233:-

- (1) It is necessary to consider reasonable alternatives, and to report on those alternatives and the reasons for their rejection;

- (2) While options may be rejected as the Plan moves through various stages, and do not necessarily fall to be examined at each stage, a description of what alternatives were examined and why has to be available for consideration in the environmental report;
 - (3) It is permissible for the environmental report to refer back to earlier documents, so long as the reasons in the earlier documents remain sound;
 - (4) The earlier documents must be organised and presented in such a way that it may readily be ascertained, without any paper chase being required, what options were considered and why they had been rejected;
 - (5) The reasons for rejecting earlier options must be summarised in the final report to meet the requirements of the SEA Directive;
 - (6) Alternatives must be subjected to the same level of analysis as the preferred option.
68. In City and District of St Albans v SSCLG [2009] EWHC 1280 (Admin) Mitting J quashed the relevant policies because reasonable alternatives to them were not identified, described and evaluated before the choice was made.
69. Section 7 of the Sustainability Assessment, “Developing and Appraising Strategic Options”, is at issue. This purported to consider reasonable alternatives in line with the SEA Directive and the SEA Regulations. Three options were specifically considered, namely (1) what was described as the “high growth” option, entailing 71,700 new homes, (2) the “medium growth” or ACS option (based on a figure of 52,050 homes – which differs from the eventual ACS figure substantially, although nothing appears to turn on this), and (3) a “low growth” option based on what was described as past house building rates (41,888 new homes). The sustainability assessment analysed each option. It concluded that the high growth option secured more housing than was necessary, and was unlikely to be achievable in any event. As for the medium growth option:-
- “[It] would provide housing in line with the Regional Plan. Its impacts would be similar to that of Option 1 without such positive and negative impacts on the corresponding SA objectives, given that less housing would be provided, but it would meet the needs of the local population, and would allow for more limited in-migration to the planned areas. This level of growth would have a positive impact on the housing and health SA objectives but a negative impact on heritage, environment, bio-diversity and GI, landscape, natural resources and flooding, waste, energy and climate change and transport SA objectives.”
70. As for the low growth option:-
- “[It] proposes housing growth below that of the Regional Plan. This is only a minor positive impact on the housing SA objective, as less housing will be provided. All other SA

objectives either have a negative, neutral or unknown score. Constraining housing supply would have a negative impact on health as this could exacerbate homelessness. This level of housing provision would not meet the needs of the local population (using the 2008 based housing projections); out-migration would also be unlikely. The impact on sensitive land or sites would be less, hence the lower negative scores for heritage, environment, bio-diversity and GI, landscape, natural resources and flooding, waste, energy and climate change and transport SA objectives. There would also be a negative impact on the employment SA objective as this scenario would constrain the labour force. No further mitigation is put forward and is set out for the first two appraisals.”

71. On my understanding, Mr Turney advances two related submissions on the Sustainability Assessment. First, he submits that no consideration was given to an option which, in terms, entailed no impingement on existing Green Belt land (in which circumstances no Green Belt review would be required). Secondly, criticism is made of the manner in which the low growth option was examined, in particular in the context of the implications for the Green Belt. In regard to both submissions, Mr Turney took issue with paragraph 22 of Miss Gibson’s witness statement, which provides:-

“The quantum of development allowed for in this lower, below trend assessment of housing provisions was broadly equivalent to the level of housing provision possible without requiring development in the Green Belt, according to the Councils’ strategic housing land availability assessments. (DDB8 demonstrates how this is worked out) and the sustainability consequences described would be the same.”

72. Mr Turney submits that reaching down into Miss Gibson’s witness statement entails an impermissible “paper chase”, particularly when one factors in the need to bring into consideration the calculations contained within DDB8.
73. In his written submissions Mr Turney took issue with other passages in Miss Gibson’s witness statement which indicate how the evidence base for the Sustainability Assessment was assembled. Mr Turney did not press these points in oral argument, and in my judgment they relate to matters of such minutiae that they cannot properly advance the gravamen of the Claimant’s third ground.
74. I cannot accept Mr Turney’s submissions on his third ground. Pages 116 and 117 of the Sustainability Assessment do expressly consider the consequences of not reviewing the boundaries to the Green Belt, and the consequent advantages and disadvantages. In my judgment, having regard to paragraph 22 of Miss Gibson’s witness statement does not entail an impermissible paper chase: this is admissible, expert evidence which explains the context of the low-growth option within the Sustainability Assessment. This is the option which did not involve incursion into the Green Belt. Furthermore, I take Miss Ellis’ point that there were district-specific sustainability assessments within the scope of the overall exercise: see for example, pages 82 and 87-142 in relation to Broxtowe Borough Council. Ultimately, it was for

the Defendants in the exercise of their collective planning judgement to identify which “reasonable alternatives” needed to be considered, and in my view the approach taken simply cannot be impugned in these proceedings for error of law.

Conclusion

75. This appeal brought under section 113 of the Planning and Compulsory Purchase Act 2004 must be dismissed.



Neutral Citation Number: [2013] EWCA Civ 1610

Case No: C1/2013/2734

IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE QUEENS BENCH DIVISION
ADMINISTRATIVE COURT

HIS HONOUR JUDGE PELLING QC (Sitting as a Judge of the High Court)

CO 4686 2013

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 12/12/2013

Before :

LORD JUSTICE MAURICE KAY
LORD JUSTICE RYDER

and

SIR DAVID KEENE

Between :

City and District Council of St Albans

Appellant

- and -

**The Queen (on the application of) Hunston Properties
Limited**

1st Respondent

**Secretary of State for Communities and Local Government
and anr**

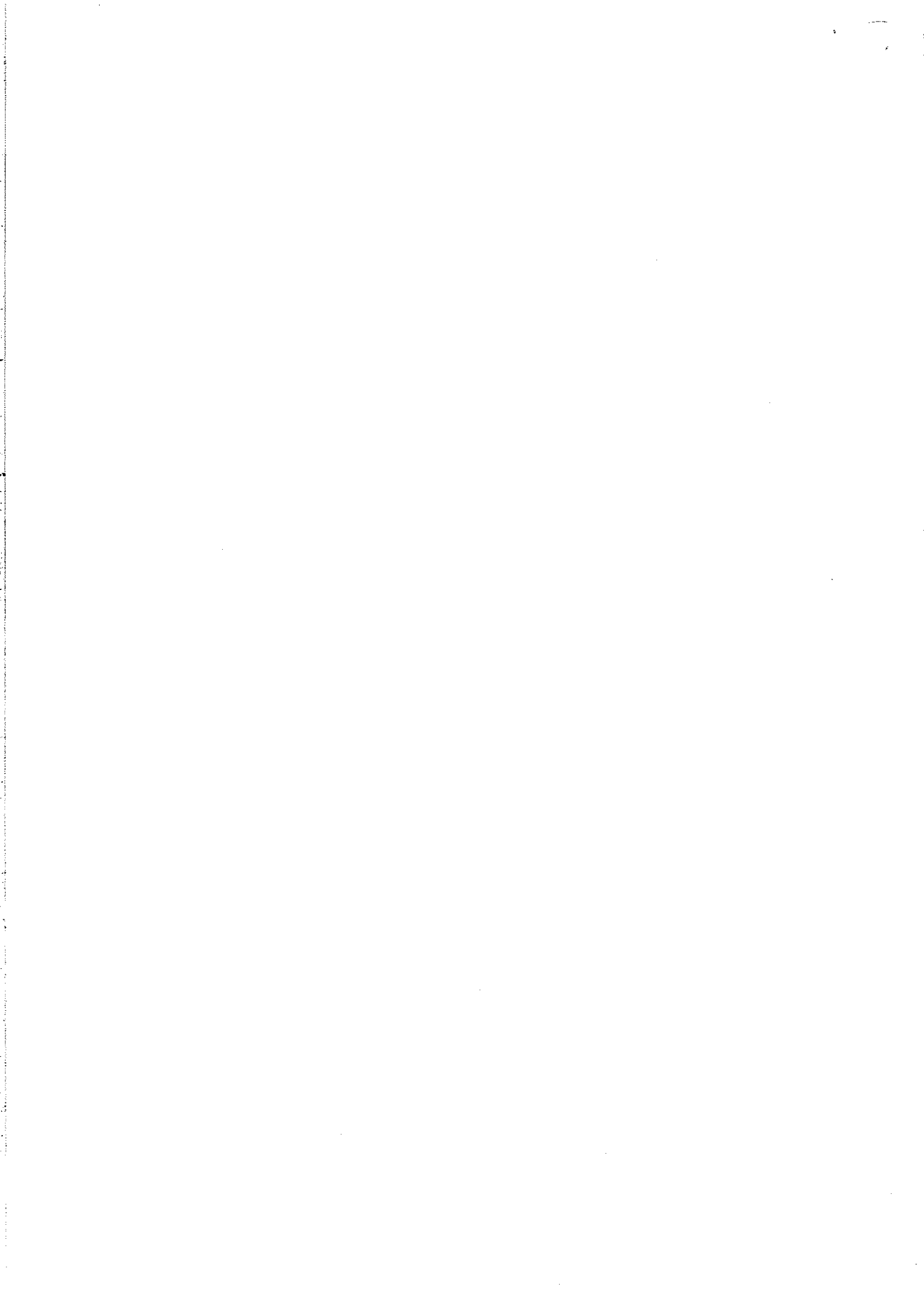
2nd Respondent

**Matthew Reed (instructed by the Appellant's Head of Legal Services) for the Appellant
Paul Stinchcombe QC and Ned Helme (instructed by Photiades Solicitors) for the First
Respondent and (Treasury Solicitors for the Second Respondent). The Second Respondent
did not appear.**

Hearing date: 20 November 2013

**Judgment Approved by the court
for handing down
(subject to editorial corrections)**

**If this Judgment has been emailed to you it is to be treated as 'read-only'.
You should send any suggested amendments as a separate Word document.**



Sir David Keene :

Introduction

1. This appeal concerns the interpretation of the relatively recent (March 2012) National Planning Policy Framework (“the Framework”) and in particular of the policies contained therein in respect of residential development proposals. The issue is one which arises in the situation where, as in the present case and in a number of other planning authority areas, there is not as yet a local plan produced after and in accordance with the Framework.
2. Hunston Properties Limited (“Hunston”) applied for outline planning permission for the construction of 116 dwellings, a care home and some associated facilities on five hectares of agricultural land within the district of St Albans. Permission was refused by the District Council, now the appellant, principally on the ground that the site was almost entirely within the Metropolitan Green Belt. Hunston appealed under Section 78 of the Town and Country Planning Act 1990 (“the 1990 Act”) and, simplifying the history of the matter, the appeal was dismissed on 12 March 2013 by an inspector appointed by the Secretary of State. Hunston then challenged that decision in the Administrative Court under Section 288 of the 1990 Act. H.H. Judge Pelling QC, sitting as a judge of the High Court, quashed the inspector’s decision, and the Council now appeals with permission granted by Sullivan LJ. The Secretary of State appeared by counsel in the Administrative Court to resist the Section 288 challenge but seeks to play no part in these appeal proceedings.
3. I note the basis on which Sullivan LJ gave permission to appeal. He said that he was not persuaded that the appeal had a real prospect of success, but he found there to be a compelling reason for the appeal to be heard so that there could be a “definitive answer to the proper interpretation of paragraph 47” of the Framework, and in particular the interrelationship between the first and second bullet points in that paragraph.

Policy Context

4. The Framework was published by the Government in order to set out its planning policies for England, so as to give guidance to local planning authorities and other decisions-makers in the planning system. It was seen by the Minister for Planning as simplifying national planning guidance “by replacing over a thousand pages of national policy with around fifty, written simply and clearly.” Unhappily, as this case demonstrates, the process of simplification has in certain instances led to a diminution in clarity. It will be necessary to set out the wording of paragraph 47 of the Framework very soon in this judgment. I have to say that I have not found arriving at “a definitive answer” to the interpretative problem an easy task, because of ambiguity in the drafting. In such a situation, where one is concerned with non-statutory policy guidance issued by the Secretary of State, it would seem sensible for the Secretary of State to review and to clarify what his policy is intended to mean. Nonetheless, the Supreme Court in *Tesco Stores Ltd -v- Dundee City Council* [2012] UKSC 13 has emphasised that policy statements are to be interpreted objectively by the court in accordance with the language used and in its proper context, so that the meaning of the policy is for the courts, even if the application of the policy is for planning authorities and other planning decision-makers: see paragraphs 18 and 19. That case

was concerned with policy in a statutory development plan, but it would seem difficult to distinguish between such a policy statement and one contained in non-statutory national policy guidance. I accept, therefore, as do the parties to this appeal, that it is for this court to seek to arrive at the appropriate meaning of paragraph 47 of the Framework.

5. That paragraph begins the section of the Framework entitled “Delivering a wide choice of high quality homes.” Insofar as material for present purposes, it reads as follows:

“47. To boost significantly the supply of housing, local planning authorities should:

- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.”

These are the two bullet points referred to by Sullivan LJ.

6. There is no doubt, that in proceeding their local plans, local planning authorities are required to ensure that the “full objectively assessed needs” for housing are to be met, “as far as is consistent with the policies set out in this Framework”. Those policies include the protection of Green Belt land. Indeed, a whole section of the Framework, Section 9, is devoted to that topic, a section which begins by saying “The Government attaches great importance to Green Belts”: Paragraph 79. The Framework seems to envisage some review in detail of Green Belt boundaries through the new Local Plan process, but states that “the general extent of Green Belts across the country is already established.” It seems clear, and is not in dispute in this appeal, that such a Local Plan could properly fall short of meeting the “full objectively assessed needs” for housing in its area because of the conflict which would otherwise arise with policies on the Green Belt or indeed on other designations hostile to development, such as those on Areas of Outstanding Natural Beauty or National Parks. What is likely to be significant in the preparation of this Local Plan for the district of St Albans is that

virtually all the undeveloped land in the district outside the built up areas forms part of the Metropolitan Green Belt.

7. However, no such new Local Plan for this district currently exists. There remains the old-style Local Plan, the St. Albans City and District Local Plan Review, dating from 1994, but it is not suggested that its contents insofar as they deal with housing land requirements are of any relevance today. The most recent policy document containing a quantified assessment of such requirements in the district was the East of England Plan, which contained a figure of 360 dwelling units per annum, but that Plan was revoked on the 3 January 2013, in accordance with the Government's move away from strategically based figures. Thus, as the inspector in the present case put it:

“there is a policy vacuum in terms of the housing delivery target.” [paragraph 23]

8. The appellant Council resolved on 17 January 2013 that the target of 360 dwellings per annum from 2001 to 2021 remained the most appropriate interim housing target for housing land supply purposes.
9. There are a number of other policies in the Framework which are of relevance. At paragraph 13 it states that the Framework:

“constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.”

Paragraph 14 begins by saying that:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.”

It goes on in that same paragraph to spell out what that means for plan-making and for decision-taking. In respect of the latter, it sets out two bullet points. The first deals with cases where there is a development plan. The second is relevant to the present appeal:

“where the development plan is absent, silent or relevant policies are out-of-date, [it means] granting permission unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;

or

specific policies in this Framework indicate development should be restricted.”

A footnote, no.9, gives examples of such policies as are meant by that last sentence, including policies relating to land designated as Green Belt.

10. As I have already said, the Framework includes specific policies to protect Green Belt land. Paragraphs 87 and 88 are of particular relevance. They state:

“87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

The Framework does not seek to define further what “other considerations” might outweigh the damage to the Green Belt, but in principle there seems no reason why in certain circumstances a shortfall in housing land supply might not do so.

The Planning Appeal and the Inspector’s Decision

11. It was agreed at the planning inquiry that the proposed development on this site would constitute inappropriate development in the Green Belt. The inspector noted that, by virtue of paragraph 87 of the Framework, it should not be permitted except in very special circumstances. That led her to the topic of housing land supply.
12. The inspector referred to paragraph 47 of the Framework and then considered the development plan position. She observed that there was “no definitive housing delivery requirement” in any relevant plan (paragraph 24 of decision letter). She described the Department for Communities and Local Government (“DCLG”) 2008 projections of new households as providing the most up-to-date figures. They gave a projection of 688 new households per annum in this district. Hunston contended for various upwards adjustments of that annual figure, but even without those it can be seen that arithmetically the projection produced a five year requirement of 3,440 dwelling units. Hunston’s figure was 3,600 units.
13. However, the inspector regarded such figures as failing to take account of the constraints on development within the district, particularly the Green Belt. She noted that the old East of England (regional) Plan had reflected such constraints and had come up with its figure of 360 units per annum:

“26... striking a balance of the social, economic and environmental objectives with the aim of achieving sustainable development. The balance was evidence based, consulted upon, subject to a sustainability appraisal, justified and publically examined.”

The inspector added that there was no evidence to suggest that the constraints would be any less applicable now, and at paragraph 29 she said that the figure in the East of England Plan (the RSS):

“29. ... provided housing requirements for the period to 2021 and took account of the severe constraints in the District. It provides the only figure that has been scrutinised through the independent examination process. Government policy aims for localism rather than top down set targets but there was nothing to indicate that the constraints identified in the RSS process are reduced because the RSS is no longer extant.”

14. Consequently, the inspector concluded as follows on housing need:

“At this time and in the absence of an identified need that takes account of any constraints to development and acknowledging the age of the RSS data, and the fact that the RSS has now been revoked, I consider it is reasonable that the annual housing target should have regard to constraints in the district and be that which takes them into account. As resolved by the Council on 17 January 2013, provision should be made for a minimum of 360 residential units per annum on specific deliverable sites.” (Paragraph 30)

15. On the supply side of the exercise, the District Council put forward a figure of 2183 dwelling unit sites available within five years. On analysis, the inspector found that that was too high by about 100 units, but nonetheless it meant that there was a supply of housing land in excess of the five year requirement if that was put at 360 dwellings per annum. As a five year total, she appears to have put the total five year housing land supply at about 2080 units. Thus the inspector at paragraph 67 concluded:

“67. Additional delivery of housing would be of value as would the proposed affordable housing provision whether at 35% or 53%. Nevertheless, the five year housing land supply has been found to be robust even if the delivery may not be as high as the Council advises on some sites. A 5% buffer over and above the five year supply has been found to be appropriate and there is a realistic prospect that adequate provision has been made for the delivery of five years plus 5% supply of housing land. Therefore the supply of additional housing on a greenfield Green Belt site is not afforded weight.”

16. The inspector in her overall conclusion on the residential development gave weight to certain factors, but said:

“However, in the absence of an identified need for the release of a greenfield Green Belt site, the substantial harm to the Green Belt and significant harm to the character and appearance of the countryside are not clearly outweighed by the other material considerations either individually or as a whole. Therefore the very special circumstances necessary to justify the inappropriate residential development in the Green Belt do not exist.” (Paragraph 71)

She added that the development would be contrary to Local Plan policies and to Government policy in the Framework, and consequently she dismissed the appeal.

The High Court Decision

17. In the Section 288 proceedings it was argued by Hunston that the inspector had erred by failing to identify the “full objectively assessed needs” for housing in the area, as required by the first bullet point in paragraph 47 of the Framework, and had failed, in this situation where there was no new Local Plan containing housing requirements, to recognise the shortfall between those needs and the supply of housing sites. Had she adopted the correct policy approach, she might have found that very special circumstances, sufficient to outweigh the contribution of the appeal site to the Metropolitan Green Belt, existed. Thus she erred in law.

18. The deputy judge accepted this argument. In his judgment at paragraph 28 he said:

“28. Where it is being contended that very special circumstances exist because of a shortfall caused by the difference between the full objectively assessed needs for market and affordable housing and that which can be provided from the supply of specific deliverable sites identified by the relevant planning authority, I do not see how it can be open to a LPA or Inspector to reach a conclusion as to whether that very special circumstance had been made out by reference to a figure that does not even purport to reflect the full objectively assessed needs for market and affordable housing applicable at the time the figure was arrived at.”

He went on to add:

“A figure that takes account of constraints should not have any role to play in assessing an assertion by an applicant in the position of HPL that an actual housing requirement has not been met.”

He observed that the Framework did not encourage the use of need figures derived from such earlier regional plans as the East of England Plan, as it could have done if it had been intended by the government that such should be the approach where a new Local Plan prepared in accordance with the Framework had not been adopted.

19. The District Council had relied upon the wording of the first bullet point in paragraph 47 of the Framework and in particular the words about meeting the housing needs “as far as is consistent with the policies set out in this Framework.” The Council contended that this justified the inspector’s use of figures for housing needs which reflected the very substantial constraints on development within this district. The judge rejected that argument, commenting at paragraph 29:

“... the suggestion that the words “... *in so far as is consistent with the policies set out in this Framework...*” requires or permits a decision maker to adopt an old RSS figure is unsustainable as a matter of language. That language requires

that the decision maker considers each application or appeal on its merits. Having identified the full objectively assessed needs figure the decision maker must then consider the impact of the other policies set out in the NPPF...

...

... It is entirely circular to argue that there are no very special circumstances based on objectively assessed but unfulfilled need that can justify development in the Green Belt by reference to a figure that has been arrived at under a revoked policy which was arrived at taking account of the need to avoid development in the Green Belt.”

20. He concluded that the inspector’s approach had been wrong in law. The proper approach was to assess need, then identify the unfulfilled need having regard to the supply of specific deliverable sites, and then to decide whether fulfilling the need (plus any other factors in favour of permission) clearly outweighed the harm which would be caused to the Green Belt. As he rightly said, that final stage involved planning judgment, which was not for the court. As a result he quashed the inspector’s decision.

Discussion

21. In essence, the issue is the approach to be adopted as a matter of policy towards a proposal for housing development on a Green Belt site where the housing requirements for the relevant area have not yet been established by the adoption of a Local Plan produced in accordance with the policies in the Framework. Such development is clearly inappropriate development in the Green Belt and should only be granted planning permission if “very special circumstances” can be demonstrated. That remains government policy: paragraph 87 of the Framework. In principle, a shortage of housing land when compared to the needs of an area is capable of amounting to very special circumstances. None of these propositions is in dispute.
22. Neither party before us sought to take issue with the inspector’s findings as to the supply of housing land over the five year period in this district. But, as will be evident from the earlier passages in this judgment, the inspector found that there was no shortfall in the supply because she regarded it as necessary to identify a housing requirement figure which reflected the constraints on built development in the district generally which resulted from the extensive areas of Green Belt there. The best she felt she could do was to adopt the earlier East of England Plan figure which, though in a revoked plan, sought to take account of such constraints. Was she entitled to do so?
23. The appellant Council contends that she was. On its behalf Mr. Reed emphasises the close links between the first two bullet points of paragraph 47 of the Framework (which I will number 47(1) and (2) for the sake of convenience.) Paragraph 47(2) requires there to be five years supply of housing sites, that is to say a supply sufficient to meet a local planning authority’s housing requirements for five years. But to discover what is meant by the reference to housing requirements, one has to go to paragraph 47(1), and while that refers to “the full objectively assessed needs,” it also adds the qualification “as far as is consistent with the policies set out in this

Framework.” That, it is submitted, means that one has to take into account such policies as those on the protection of the Green Belt. The qualification does not relate solely to the process of producing a Local Plan. Paragraph 47(1) has to be read as a whole and, if one goes to it as Hunston do for the reference to “full objectively assessed needs” when dealing with a development control decision, one must take on board the qualification as well. One cannot rely on the objectively assessed needs part without having regard to the reference to policy constraints.

24. The Council contends that the inspector used the former East of England plan figure for housing requirements while recognising that it was not ideal. But she was doing her best to arrive at an assessment which reflected the whole of paragraph 47(1) and not just part of it, so as to include the constraints flowing from other policies as well as the household projections. The mere fact that this was a development control situation as opposed to local plan formulation does not, it is said, undermine the need to reflect the whole of paragraph 47(1). The policies in the Framework provide guidance, as paragraph 13 states, both for the drawing up of plans and in the determination of planning applications.
25. I see the force of these arguments, but I am not persuaded that the inspector was entitled to use a housing requirement figure derived from a revoked plan, even as a proxy for what the local plan process may produce eventually. The words in paragraph 47(1), “as far as is consistent with the policies set out in this Framework” remind one that the Framework is to be read as a whole, but their specific role in that sub-paragraph seems to me to be related to the approach to be adopted in producing the Local Plan. If one looks at what is said in that sub-paragraph, it is advising local planning authorities:

“to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework.”

That qualification contained in the last clause quoted is not qualifying housing needs. It is qualifying the extent to which the Local Plan should go to meet those needs. The needs assessment, objectively arrived at, is not affected in advance of the production of the Local Plan, which will then set the requirement figure.

26. Moreover, I accept Mr Stinchcombe QC’s submissions for Hunston that it is not for an inspector on a Section 78 appeal to seek to carry out some sort of local plan process as part of determining the appeal, so as to arrive at a constrained housing requirement figure. An inspector in that situation is not in a position to carry out such an exercise in a proper fashion, since it is impossible for any rounded assessment similar to the local plan process to be done. That process is an elaborate one involving many parties who are not present at or involved in the Section 78 appeal. I appreciate that the inspector here was indeed using the figure from the revoked East of England Plan merely as a proxy, but the government has expressly moved away from a “top-down” approach of the kind which led to the figure of 360 housing units required per annum. I have some sympathy for the inspector, who was seeking to interpret policies which were at best ambiguous when dealing with the situation which existed here, but it seems to me to have been mistaken to use a figure for housing

requirements below the full objectively assessed needs figure until such time as the Local Plan process came up with a constrained figure.

27. It follows from this that I agree with the judge below that the inspector erred by adopting such a constrained figure for housing need. It led her to find that there was no shortfall in housing land supply in the district. She should have concluded, using the correct policy approach, that there was such a shortfall. The supply fell below the objectively assessed five year requirement.
28. However, that is not the end of the matter. The crucial question for an inspector in such a case is not: is there a shortfall in housing land supply? It is: have very special circumstances been demonstrated to outweigh the Green Belt objection? As Mr Stinchcombe recognised in the course of the hearing, such circumstances are not automatically demonstrated simply because there is a less than a five year supply of housing land. The judge in the court below acknowledged as much at paragraph 30 of his judgment. Self-evidently, one of the considerations to be reflected in the decision on “very special circumstances” is likely to be the scale of the shortfall.
29. But there may be other factors as well. One of those is the planning context in which that shortfall is to be seen. The context may be that the district in question is subject on a considerable scale to policies protecting much or most of the undeveloped land from development except in exceptional or very special circumstances, whether because such land is an Area of Outstanding Natural Beauty, National Park or Green Belt. If that is the case, then it may be wholly unsurprising that there is not a five year supply of housing land when measured simply against the unvarnished figures of household projections. A decision-maker would then be entitled to conclude, if such were the planning judgment, that some degree of shortfall in housing land supply, as measured simply by household formation rates, was inevitable. That may well affect the weight to be attached to the shortfall.
30. I therefore reject Mr Stinchcombe’s submission that it is impossible for an inspector to take into account the fact that such broader, district-wide constraints exist. The Green Belt may come into play both in that broader context and in the site specific context where it is the trigger for the requirement that very special circumstances be shown. This is not circular, nor is it double-counting, but rather a reflection of the fact that in a case like the present it is not only the appeal site which has a Green Belt designation but the great bulk of the undeveloped land in the district outside the built-up areas. This is an approach which takes proper account of the need to read the Framework as a whole and indeed to read paragraph 47 as a whole. It would, in my judgment, be irrational to say that one took account of the constraints embodied in the policies in the Framework, such as Green Belt, when preparing the local plan, as paragraph 47(1) clearly intends, and yet to require a decision-maker to close his or her eyes to the existence of those constraints when making a development control decision. They are clearly relevant planning considerations in both exercises.
31. There seemed to be some suggestion by Hunston in the course of argument that a local planning authority, which did not produce a local plan as rapidly as it should, would only have itself to blame if the objectively-assessed housing need figures produced a shortfall and led to permission being granted on protected land, such as Green Belt, when that would not have happened if there had been a new-style local plan in existence. That is not a proper approach. Planning decisions are ones to be

arrived at in the public interest, balancing all the relevant factors and are not to be used as some form of sanction on local councils. It is the community which may suffer from a bad decision, not just the local council or its officers.

32. Where this inspector went wrong was to use a quantified figure for the five year housing requirement which departed from the approach in the Framework, especially paragraph 47. On the figures before her, she was obliged (in the absence of a local plan figure) to find that there was a shortfall in housing land supply. However, decision-makers in her position, faced with their difficult task, have to determine whether very special circumstances have been shown which outweigh the contribution of the site in question to the purposes of the Green Belt. The ultimate decision may well turn on a number of factors, as I have indicated, including the scale of the shortfall but also the context in which that shortfall is to be seen, a context which may include the extent of important planning constraints in the district as a whole. There may be nothing special, and certainly nothing "very special" about a shortfall in a district which has very little undeveloped land outside the Green Belt. But ultimately that is a matter of planning judgment for the decision-maker.

Conclusion

33. The inspector did err in law in the approach she adopted to calculating the housing land requirement over the five year period. I would therefore quash her decision. The Section 78 appeal will consequently have to be redetermined in accordance with the guidance in this judgment, if my Lords agree. I would dismiss this appeal.

Lord Justice Ryder:

34. I agree.

Lord Justice Maurice Kay:

35. I also agree.



Neutral Citation Number: [2012] EWHC 791 (Admin)

Case No: CO/3027/2011

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 30th March 2012

Before :

Stuart Catchpole QC
(Sitting as a Deputy High Court Judge)

Between :

BHAGAT SINGH HUNDAL

Claimant

- and -

SOUTH BUCKS DISTRICT COUNCIL

First
Defendant

- and -

THE SECRETARY OF STATE FOR
COMMUNITIES AND LOCAL GOVERNMENT

Second
Defendant

Michael Bedford (instructed by **Pitmans LLP**) for the **Claimant**
Ian Albutt (instructed by **South Bucks District Council**) for the **First Defendant**
The Second Defendant did not appear and was not represented

Hearing date: 15th March 2012

Approved Judgment

Stuart Catchpole QC :

INTRODUCTION

1. In November 1998, the Claimant purchased a house and land known as Fourells, Richings Park, Iver, Buckinghamshire (“Fourells”). Fourells comprises a dwelling house with gardens to the front and rear. It also comprises a reasonably substantial paddock which adjoins the boundary of the rear garden.
2. The First Defendant is the local planning authority for the area in which Fourells and the surrounding land at Richings Park are situated. Amongst other things, the First Defendant was under a duty to produce Development Plan Documents (“DPDs”) for its area pursuant to Part 2 of the Planning and Compulsory Purchase Act 2004. The First Defendant prepared and adopted a DPD known as the South Bucks Core Strategy (“the Core Strategy”). The First Defendant adopted the Core Strategy on 22 February 2011. As required by the relevant legislation, the Core strategy had been subject to independent examination by an inspector appointed by the Second Defendant. That report was dated 31 January 2011. The Second Defendant has played no part in the present appeal.
3. In simple terms, the Claimant wishes to change the designation of the rear garden at Fourells and the Paddock as part of the Green Belt. He also wished to have the Paddock identified as land appropriate for housing development. Neither the Inspector nor the First Defendant accepted his submissions. As such, the Core Strategy has maintained both the rear garden at Fourells and the Paddock as part of the Green Belt. The only matter which is challenged in the present appeal is the continued designation of the rear garden as part of the Green Belt.
4. As is set out in more detail below, the rear garden of Fourells was included in the Green Belt in the Local Plan adopted in 1999. Underlying all of the arguments advanced by the Claimant is the submission that the Green Belt was not lawfully extended to include the rear garden of Fourells in 1999. This is because, according to the Claimant, the Green Belt can only be extended if there are exceptional circumstances and none were demonstrated or relied on at the time that the decision to include the rear garden of Fourells in the Green Belt was made. Indeed, on the Claimant’s case, the Inspector who conducted the relevant inquiry in 1997 positively concluded that there were no exceptional circumstances.

THE GROUNDS OF CHALLENGE

5. The challenge is made on two grounds.
6. Under the first ground, the Claimant contends that the Inspector appointed by the Second Defendant erred in law in carrying out her independent examination of the Core Strategy. Pursuant to Regulation 31 of the Local Development (England) Regulations 2004 (“the 2004 Regulations”), the Inspector was required to consider, amongst other things, whether the Core Strategy proposed by the First Defendant was “sound”.
7. The Claimant contends that the Inspector’s conclusion that it was sound was in error because she needed to determine whether the Core Strategy was consistent with

national policy including national policy as set out in PPG2. The Claimant contends that the Inspector did not have regard to the full history of the Green Belt boundary at the Claimant's property (and, in particular, the alleged error of law in extending the Green Belt to include the rear garden of Fourells) because of a mistaken belief that she could not change the Green Belt boundary by reason of events which took place before the adoption of the 1999 Local Plan.

8. The second ground alleges that, because of those errors, the First Defendant should not have adopted the Core Strategy (in relation to the rear garden land) and the recommendations from the Inspector because they were made on a flawed basis.
9. As a result the Claimant says that he has been prejudiced.

THE RELIEF SOUGHT

10. The relief sought is an order quashing the core strategy and its associated Proposals Map to the extent that they seek to include the rear garden at Fourells land within the Green Belt. As I have already noted, there was no challenge in the present proceedings to the continued designation of the Paddock as part of the Green Belt.

THE RELEVANT STATUTORY PROVISIONS, GUIDANCE AND AUTHORITIES

The obligation on the First Defendant to prepare and maintain a local develop scheme

11. Section 15 of the Planning and Compulsory Purchase Act 2004 (“the PCPA 2004”) as amended sets out the statutory obligation on the First Defendant to prepare a local development scheme:

15. *Local Development Scheme*

(1) *The local planning authority must prepare and maintain a scheme to be known as their local development scheme.*

(2) *The scheme must specify –*

...

(aa) *the local development documents which are to be development plan documents;*

(b) *the subject matter and geographical area to which each [development plan document] is to relate;*

12. Pursuant to Section 15(8) of the PCPA 2004, the local planning authority must revise their scheme at such time as they consider appropriate or when directed to do so by the Secretary of State. That ties in with the obligation on the local authority under section 13 of the PCPA 2004:

13. *Survey of Area*

(1) *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.*

(2) *These matters include –*

- (a) *the principal physical, economic and environmental characteristics of the area of the authority;*
 - (b) *the principal purposes for which land is used in the area;*
 - (c) *the size, composition and distribution of the population of the area;*
 - (d) *the communications, transport system and traffic of the area;*
 - (e) *any other considerations which may be expected to affect those matters;*
 - (f) *such other matters as may be prescribed or as the Secretary of State (in a particular case) may direct.*
- (3) *The matters also include –*
- (a) *any changes which the authority think may occur to any other matter;*
 - (b) *the effect such changes are likely to have on the development of the authority's area or the planning of such development.*
- (4) *The local authority may also keep under review and examine the matters mentioned in subsections (2) and (3) in relation to any neighbouring area to the extent that those matters may be expected to affect the area of the authority.*

Local Development Plan Documents

13. Section 17 of the PCPA 2004 (as amended) provides:

17. ***Local development documents***

...

- (3) *The local planning authority's local development documents must (taken as a whole) set out the authority's policies (however expressed) relating to the development and use of the land in their area.*

...

- (6) *The authority must keep under review their local development documents having regard to the results of any review carried out under section 13...*
- (7) *Regulations under this section may prescribe –*
- (a) *which descriptions of local development documents are development plan documents;*
 - (b) *the form and content of the local development documents;*
 - (c) *the time at which any step in the preparation of such document must be taken.*
- (8) *A document is a local development document only in so far as it or any part of it –*

- (a) *is adopted by resolution of the local planning authority as a local development document;*
- (b) *is approved by the Secretary of State...*

14. Regulation 6 of the Local Development (England) Regulations 2004 (SI 2004/2204) as substituted by the Local Development (England) (Amendment) Regulations 2008 (SI 2008/1371) (“the 2004 Regulations”) provides:

6. ***Local development documents***

(1) *The descriptions of document prescribed for the purposes of section 17(7)(za) which are LDDs are –*

(a) *any document containing statements of -*

- (i) *the development and use of land which the local planning authority wish to encourage during any specified period;*
- (ii) *objectives relating to design and access which the local planning authority wish to encourage during any specified period;*
- (iii) *any environmental, social and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i);*
- (iv) *the authority’s general policies in respect of the matters referred to in paragraphs (i) to (iii).*

...

(3) *A document of the description in paragraph (1)(a) is referred to in the following provisions of these Regulations as a core strategy.*

15. As its name implies, the Core Strategy was a local development plan document for the purposes of Sections 15 and 17 of the PCPA and Regulation 6 of the 2004 Regulations. Pursuant to Section 20 of the PCPA 2004, the local planning authority was required to submit every development plan document to the Second Defendant for independent examination:

20. ***Independent Examination***

(1) *The local planning authority must submit every development plan document to the Secretary of State for independent examination.*

(2) *But the authority must not submit such a document unless—*

- (a) *they have complied with any relevant requirements contained in regulations under this Part, and*
- (b) *they think the document is ready for independent examination.*

- (3) *The authority must also send to the Secretary of State (in addition to the development plan document) such other documents (or copies of documents) and such information as is prescribed.*
- (4) *The examination must be carried out by a person appointed by the Secretary of State.*
- (5) *The purpose of an independent examination is to determine in respect of the development plan document—*
 - (a) *whether it satisfies the requirements of sections 19 and 24(1), regulations under section 17(7) and any regulations under section 36 relating to the preparation of development plan documents;*
 - (b) *whether it is sound.*
- (6) *Any person who makes representations seeking to change a development plan document must (if he so requests) be given the opportunity to appear before and be heard by the person carrying out the examination.*
- (7) *The person appointed to carry out the examination must—*
 - (a) *make recommendations;*
 - (b) *give reasons for the recommendations.*
- (8) *The local planning authority must publish the recommendations and the reasons.*

The obligation to have regard to guidance issued by the Second Defendant

16. Pursuant to Section 34 of the PCPA 2004, the local planning authority was required to have regard to any guidance issued by the Secretary of State in the exercise of any function conferred on it under or by virtue of Part 2 of the PCPA 2004. That requirement applies equally to Inspectors conducting the independent review: see Barratt Developments plc v The City of Wakefield Metropolitan District Council [2010] EWCA Civ 897.
17. It is important to note that the requirement in Section 34 of the PCPA 2004 to have regard to any guidance issued by the Secretary of State does not mean that the guidance is binding on the local planning authority or the Inspector. As Carnwath LJ stated in the Barratt Developments case at paragraph 11:

"I would emphasise that this guidance, useful though it may be, is advisory only. Generally it appears to indicate the Department's view of what is required to make the strategy "sound", as required by the statute. Authorities and inspectors must have regard to it, but it is not prescriptive. Ultimately it is they, not the Department who are the judges of "soundness". Provided they reach a conclusion which is not "irrational" (meaning "perverse"), their decision cannot be questioned in the courts. The mere fact that they may not have followed the

policy guidance in every respect does not make the conclusion unlawful."

The obligation to consider representations and the nature of the independent examination

18. Regulations 28 and 31 of the 2004 Regulations provide:

28. Representations relating to a development plan document

(1) Any person may make representations about a DPD which a local planning authority propose to submit to the Secretary of State.

...

31. Consideration of representations by appointed person

Before the person appointed to carry out the examination complies with section 20(7) he must consider any representations made in accordance with regulation 28(2).

19. The independent examination of the Core Strategy by the Inspector is not a formal planning inquiry. As recorded by Carnwath LJ in the Barratt Developments case at paragraphs 5 and 7:

5. *The Planning and Compulsory Purchase Act 2004, supplemented by the Town and Country Planning (Local Development)(England) Regulations 2004, provides the statutory framework for the preparation of the Local Development Framework ("LDF"), of which the Core Strategy forms part. These documents form part of the "development plan" for the area, in accordance with which development applications must be decided unless material considerations indicate otherwise (s 38(3)(6)).*

...

7. *It is to be noted that the procedure [for the adoption of the Core Strategy] does not include a formal planning inquiry in the traditional sense. Collins J described what I understand to be the ordinary format for such an open hearing:*

"...this is not a traditional planning enquiry. It is, as its title suggests, an examination. Inspectors are encouraged to make it relatively informal, and it can be, and frequently is, I understand, carried out by means of a discussion. Although formal evidence can no doubt be given and tested if the Inspector decides that that is essential for the purpose of reaching the necessary result, that would be rare, and generally speaking it is dealt with on the basis of written documents being presented, and then discussion

between the interested parties and the Inspector based upon those written documents.”

20. The Planning Inspectorate has issued its own guidance on the conduct of the independent examination. This is set out in ‘Development Plan Document Examination Procedural Advisory Notes (August 2009)’. In so far as is material, it provides as follows:

Introduction

It is very important for Local Planning Authorities (LPAs) to appreciate the implications of the fact that the examination process is concerned with the legal compliance and soundness of the document as a whole. Consequently the focus at the examination is no longer on individual objections as used to be the case at local plan/UDP inquiries. This fundamentally important difference means that local planning authorities no longer need to respond to each and every individual representation. What authorities are required to do is to assess the representations made at publication stage and to provide the Inspectorate with a summary of the main issues at submission.

It is also important to appreciate the significance of the frontloaded process which should flush out opposing views and options before the LPA prepares its final document for publication.

...

5. The Hearing

Hearing sessions

5.1 The emphasis at the hearing sessions will be on informality with the Inspector inquiring into and leading a debate on the issues identified in advance. ...

5.2 The old-style local plan or UDP sessions where individuals presented their cases one by one and the local authority responds is not appropriate to the examination format. The emphasis is on the soundness of the DPD not specifically on the representations made on it. The formal presentation of the evidence followed by cross-examination and re-examination will not be allowed other than in very exceptional instances where the Inspector is convinced that a formal approach is essential to adequately test the evidence. If you wish the Inspector to consider having a formal session you must be prepared to make a strong case for this...

...

21. Further, in the Planning Inspectorate’s ‘Local Development Frameworks: Examining Development Plan Documents: Procedure Guidance August 2009 (Second Edition)’ it suggested as follows:

Section 6: Report Writing

Key principles for Reporting

....

6.2 *The Inspector will start on the premise that the report should be as short as possible, whilst ensuring that it is clearly reasoned to justify the conclusions. It is important to remember that the Inspector will not seek to 'improve' the plan. In many instances representations are made about matters that do not go to the heart of the soundness of the plan. The Inspector will not make recommendations about these matters even if the Inspector feels that the representation is well founded. The approach is that it is the LPA's document and the Inspector will only make changes that go to the issue of soundness. In relation to each recommendation, Inspectors are required to ask themselves where the plan would be unsound if the recommendation was not made. If the answer to that question is in the negative, the recommendation should not be set out.*

6.3 *Noting that we are not dealing with 'inquiries into objections', reports will not summarise the cases of individual parties, should avoid as far as possible direct references to specific representations and should not describe discussions at hearing sessions. The report will explain why the Inspector, based on a consideration of all the evidence and his/her professional expertise and judgment, has reached a particular view on legal compliance and soundness.*

22. As Carnwath LJ stated in the Barratt Developments case, at paragraph 32:

"The only other potentially relevant statutory requirements are that the Strategy should be "sound", taking account of the relevant policy guidance and that the inspector's recommendations should be adequately reasoned. As I have said, "soundness" was a matter to be judged by the Inspector and the Council, and raises no issue of law, unless their decision is shown to have been "irrational", or they are shown to have ignored the relevant guidance or other considerations which were necessarily material in law. Reasons are adequate if they are "intelligible" and enable the reader to understand "why the matter was decided as it was and what conclusions were reached on the "principal controversial issues" (see South Bucks DC v Porter (No 2) [2004] UKL 33 para 36, per Lord Brown). If the only failure is one of reasoning (a procedural requirement), the applicant must show also that he was substantially prejudiced by the failure."

Green Belt Policy

23. As noted above, in the exercise of their functions, the First Defendant and the Inspector were required to have regard to guidance issued by the Second Defendant

and national policy. In relation to Green Belts the relevant guidance and policy for present purposes was contained in ‘Planning Policy Guidance 2: Green Belts’ (“PPG2”). This was in force both at the time the 1999 Local Plan was adopted and at the time that the Core Strategy was adopted. This provides, amongst other things as follows:

Intentions of policy

1.4 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help protect the countryside, be it in agricultural, forestry or other use. They can assist in moving towards more sustainable patterns of urban development (see paragraph 2.10).

Purposes of including land in Green Belts

1.5 There are five purposes of including land in Green Belts:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns from merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

...

2. Designation of Green Belts

2.1 The essential characteristic of Green Belts is their permanence. Their protection must be maintained as far as can be seen ahead.

Regional guidance and development plans

...

2.2 Green Belts are established through development plans. Structure plans provide the strategic policy context for planning at local level. The general extent of Green Belts has been fixed through the approval of structure plans.

2.4 Many detailed Green Belt boundaries have been set in local plans and in old development plans, but in some areas detailed boundaries have not yet been defined. Up-to-date approved boundaries are essential, to provide certainty as to where Green Belt policies do and do not apply and to enable the proper consideration of future development options. The mandatory requirement for district-wide plans, introduced by the Planning and Compensation Act 1991, will ensure that the definition of detailed boundaries is completed.

...

Defining boundaries

2.6 Once the general extent of a Green Belt has been approved it should be altered only in exceptional circumstances. If such alteration is proposed the Secretary of State will wish to be satisfied that the authority has considered opportunities for development within the urban areas contained by and beyond the Green Belt. Similarly, detailed Green Belt boundaries defined in adopted local plans of earlier approved development plans should be altered only exceptionally. Detailed boundaries should not be altered or development allowed merely because the land has become derelict.

2.7 Where existing local plans are being revised and updated, existing Green Belt boundaries should not be changed unless alterations to the structure plan have been approved, or other exceptional circumstances exist, which necessitate such revision.

24. The Claimant relies on paragraphs 2.6 and 2.7 of PPG2 in particular in support of his contention that the Green Belt boundary was erroneously extended to include the rear garden at Fourells in the 1999 Local Plan.
25. In Copas & Another v The Royal London Borough of Windsor and Maidenhead [2001] EWCA Civ 180, Simon Brown LJ (as he then was), with whose judgment the Master of the Rolls and Longmore LJ agreed, considered paragraph 2.7 of PPG2 and concluded as follows:

1. The Test of Necessity

20. I can deal with this argument very briefly. Certainly the test is a very stringent one. The terms of paragraph 2.7 are plain: unless there are approved alterations to the Structure Plan (and here there are not) there must be other exceptional circumstances which necessitate revision of an existing Green Belt boundary. And this, indeed, reflects what Purchas LJ said in Carpets of Worth Limited v Wire Forest DC [1991] 2 PLR 84, 94:

“As it directly prejudices land owners in the otherwise proper development of their land, an extension to the Green Belt should not be brought into effect until it can be justified directly by those purposes for which the Green Belt is designed. There must, therefore, be an inhibition in extending the Green Belt so as to avoid sterilising unnecessarily neighbouring land...just as much as reduction in the boundaries of the Green Belt, which would prejudice the purposes of the Green Belt, must also be made only in exceptional circumstances. On this basis I think that the general concept of the advice in the circulars is that once a Green Belt has been established and approved as a result of all the normal statutory processes it must require exceptional circumstances rather than the general planning concepts to justify an alteration. Whichever way the boundary is altered there must be serious prejudice one way or the other to the parties involved.”

21. *To my mind, however, there is no reason to doubt that the Inspector had these considerations well in mind in deciding the present case. Mr Village fixed principally upon the sentence in paragraph 2.43 of the Report:*

“It is necessary to go further, however, if the 1991 decision is to qualify as an exceptional circumstance which dictates that the Green Belt boundary should be revised.”

22. *That sentence, he submits, postulates that exceptional circumstances of themselves will dictate a revision so that the Inspector never came to address the separate question of necessity.*

23. *I would reject this argument. Paragraph 2.7 of the Guidance should be regarded as expressing a single composite test: circumstances are not for this purpose exceptional unless they do necessitate a revision to the boundary. That necessity is the touchstone by which to determine whether the circumstances are exceptional or not. No point would be served by adopting a two stage approach to the test...*

Challenges by a “person aggrieved”

26. As with previous planning legislation, the PCPA 2004 (as amended) sets short time limits within which any challenge to a relevant planning decision must be made and limits the grounds on which any challenge can be made.
27. In the case of a development plan document and a local development plan, section 113 PCPA 2004 (as amended) provides that a “person aggrieved” may apply within

six weeks to the High Court on the grounds that the relevant document is either “not within the appropriate power” or “*a procedural requirement has not been complied with*”, causing “*substantial prejudice*” to the interests of the Claimant. The Court’s powers are discretionary. If the Court is satisfied that the grounds are made out, it may quash the relevant document, in whole or in part, or remit it to the person or body responsible for its preparation or approval.

28. It is settled law that the statutory grounds of challenge encompass the conventional judicial review grounds of illegality, irrationality and procedural impropriety: see, for example, Barratt Developments at paragraph 14.

PLANNING STATUS OF THE LAND AT FOURELLS

29. The detailed boundary of the Green Belt in South Buckinghamshire was first defined in the Local Plan for South Buckinghamshire, which was adopted in 1989 (“the 1989 Local Plan”). This was an “adopted local plan” for the purposes of paragraph 2.6 of PPG2.
30. The South Bucks Local Plan 1989 showed the land to the front and the rear of Fourells, but not the land immediately to the East, as being in the built up area and therefore excluded from the Green Belt. In other words, the detailed Green Belt boundary in the 1989 Local Plan was drawn so that the whole of the domestic curtilage of Fourells was excluded from the Green Belt. This meant that, although the Paddock forming part of the land at Fourells was part of the Green Belt, the rear garden was not. As a result the house and gardens surrounding Fourells were not subject to policies restricting development in the Green Belt in the 1989 Local Plan.
31. PPG 2 setting out the national policy in relation to Green Belt boundaries was published in January 1995.
32. In April 1995 (after the publication of PPG2) the First Defendant began consultation on a replacement South Bucks Local Plan, which was ultimately adopted in March 1999 (“the 1999 Local Plan”).
33. The First Defendant proposed in the April 1995 Consultation Draft Replacement version of the 1999 Local Plan that the detailed Green Belt boundary should be changed at Fourells so that the rear garden should be included within the Green Belt. The Claimant has stated in the present proceedings that he is unaware of any document being produced by the First Defendant at that time to identify, in accordance with paragraph 2.6 of PPG2, the exceptional circumstances which necessitated this change to the detailed Green Belt boundary already established by the 1989 Local Plan. No such evidence was produced in response by the First Defendant.
34. For the First Defendant, Mr Gillespie, the Principal Planner in the Planning Policy Team at the First Defendant, asserts in his witness statement at paragraph 9 that the minor change made to the Green Belt boundary at Fourells was made to ensure that the boundary was clearly defined and defensible. Mr. Gillespie states that the rear wall of the original house at Fourells was a clearly definable and is a defensible boundary. This is disputed by the Claimant, who also points to the fact that Mr. Gillespie did not join the First Defendant until 2008. It is also to be noted that the

explanation given by Mr. Gillespie is somewhat different to the explanation given by the First Defendant to Mr. Dominic Grieve QC, MP in a letter dated 17 December 2008 in which Mr. Beckford, the Head of Sustainable Development of the First Defendant, stated:

“In preparing the [1999 Local Plan] the Council gave detailed consideration to ensure that land which it considered fulfilled a Green Belt function, was indeed covered by Green Belt designation. In some cases this meant a change from the boundaries shown in the Local Plan for South Bucks. All of the land to the east, including Thorney House, was included in the Green Belt. None of it was excluded. The Council’s view was clearly that whilst the dwelling itself could not be said to fulfill a Green Belt function, the rear garden was considered to fulfill such a function, and thus should form part of the Green Belt.”

35. In June 1996 the First Defendant proposed in the Deposit Draft Replacement version of the 1999 Local Plan that the detailed Green Belt boundary should be further changed so as to include the whole of the curtilage of Fourells within the Green Belt (i.e. including all of the curtilage land to the front, rear and sides of the property). Subsequently, in October 1998 the Council considered that this further change was an error and proposed in the Further Proposed Modifications to remove it. That modification still meant that the Green Belt boundary would be extended to include the rear garden of Fourells.
36. The then owner of Fourells made no objections to the proposed amendments to the Green Belt boundary. No objections were submitted by the Government Office for the South East, the County Council or SERPLAN in relation to the amendments to the boundary of the Green Belt proposed at Fourells or anywhere else. Mr Gillespie points out at paragraph 15 of his witness statement those official bodies would normally raise objections where it was felt that a local planning authority's emerging Plan was in conflict with national planning policy guidance including PPG 2. [4/244]
37. An Inspector examined the plan proposals, produced a report in September 1997 and made no changes to the amendments.
38. Further Modifications were made to the Local Plan which was published on 30 October 1998. The Further Modification in respect of the Green Belt boundary at Fourells was taken forward without further change and accordingly the house and front garden of Fourells are not in the Green Belt but the rear garden and other land is shown in the Green Belt on the Adopted Local Plan Proposals Map.
39. The Claimant in his second witness statement at paragraph 26 says that he completed the purchase of Fourells on 27 November 1998 but was unaware of the proposals to change the Green Belt boundary. The evidence is clear that, at the time of the purchase of Fourells, the Deposit Plan would have erroneously shown the entirety of the land at Fourells as being within the Green Belt. This appears to have resulted in the Claimant bringing legal proceedings against his solicitors as he sets out in paragraph 31 and the eventual court proceedings were settled, with a cash payment being made to the Claimant by his former solicitors.

40. At no stage did the Claimant make a challenge to the Local Plan. The Claimant maintains that he could not have done so even if he was aware of the inclusion of the rear garden in the Green Belt.
41. The adopted version of the 1999 Local Plan was produced in March 1999 and it showed the Green Belt boundary to be that which had been first shown in the Consultation Draft version of the 1999 Local Plan, with the detailed Green Belt boundary drawn so as to include the rear garden of Fourells within the Green Belt. This was a change from the Green Belt boundary of the 1989 Local Plan.
42. Policy GB1 of the 1999 Local Plan provided:

“The area in which Green Belt policies will be applied is defined on the Proposals Map...”
43. The Proposals Map of the 1999 Local Plan showed the Green Belt boundary at Fourells so that the rear garden was included within the Green Belt. There was no relevant legal challenge to the adoption of the Local Plan.

Core Strategy

44. The First Defendant then developed its Core Strategy. This was ultimately adopted by a resolution of the full Council on 22 February 2011. In simple terms, the Core Strategy sets out the First Defendant’s planning policy for area for which it is responsible at a relatively high level.
45. The process of developing and adopting the Core Strategy was started by the First Defendant when it issued its Issues and Options paper which was considered for public consultation from 16 January-27 February 2006.
46. The Claimant responded in relation to the land at Fourells Paddock. He made further responses to the Preferred Options Document for public consultation in September 2006. He argued that the Council should consider releasing Green Belt land within settlements where the land is surrounded by properties. For reasons that I do not need to set out, he contended that Richings Park should be a major candidate for such further development.
47. On 25 September 2007 the Second Defendant made a direction under Schedule 8 to the PCPA 2004, saving Policy GB1 of the 1999 Local Plan (i.e. the part which set out the Green Belt boundary) as part of the development plan until it was replaced by a policy in a DPD which expressly replaced Policy GB1.
48. In June 2008 the Claimant put forward Fourells (i.e. including the rear garden) and Fourells Paddock as a future housing site even though the land was in the Green Belt and suggested its release.
49. In March 2010 the First Defendant published the Proposed Submission version of the Core Strategy. The Strategic Objectives of the Proposed Submission version stated:

“No amendments required to the Green Belt boundary in the period to 2031 (see Spatial Strategy).”

50. The Spatial Strategy of the Proposed Submission version stated:
- “There are no proposals to amend the Green Belt boundary within South Bucks...”
51. The explanation of the Spatial Strategy as set out in the Proposed Submission version was:
- “More specifically, the Spatial Strategy aims to contribute to the achievement of the following national policy objectives:
- ...
- Maintain the broad extent of the Green Belt (PPG2: Green Belts) - with no amendments to the Green Belt boundary planned in South Bucks in the period to 2031.
- ...”
52. At the same time the First Defendant also published the Proposals Map as proposed to be changed by the Proposed Submission version of the Core Strategy. There were no changes proposed to the Green Belt boundary at Fourells. Whilst the extent of the Green Belt was also maintained elsewhere, the Proposals Map did put forward changes within the Green Belt so as to identify three Major Developed Sites in the Green Belt where development was expected to take place.
53. Under cover of a letter dated 9 May 2010 the Claimant submitted his completed Publication Stage Representation Form in which he proposed Fourells Paddock as a housing site. He did not specifically mention the rear garden in the Form. In the covering letter, however, the Claimant set out his submission, repeated in the present proceedings, that the adoption of the 1999 Local Plan was unlawful because the Green Belt boundary had been altered to include the rear garden of Fourells despite the absence of any exceptional circumstances. As such, the Claimant contended that the adoption of the Core Strategy which was premised on maintaining the same Green Belt boundary was unsound and was not compliant with the requirements of PPG2. The Claimant concluded by saying:
- I have further evidence which I will present at the oral examination stage of the Core Strategy to show that the council did not comply with PPG2 and these errors need to be corrected.*
- I kindly request the Inspector to redefine the Green Belt boundaries and remove the curtilage of the dwelling from the Green Belt.*
- The Claimant’s objections were accurately summarized by the First Defendant in the Core Representation Summary which was submitted to the Inspector.
54. The Core Strategy was submitted to an Inspector for examination on 21 July 2010. The examination hearings were held between 10 and 18 November 2010. The

Claimant attended the hearings. As requested by the Claimant, the Inspector made site visits to, amongst other properties, Fourells on 12 November 2010. At paragraph 12 of his first Witness Statement the Claimant states as follows:

The Inspector made a site visit to Fourells which took place on 12 November 2010. At the site visit (attended by Mr Motuel on behalf of the First Defendant as well as by the Inspector and me), the Inspector asked me where the Green Belt boundary was. I pointed to the location where the 1989 Green Belt boundary originally was, which had been between the rear of the southernmost outbuilding and the present wooden fence (which had been installed in 2009 and was not directly on the line of the 1989 Green Belt boundary). The Inspector then suggested that I needed to do some research at the First Defendant's offices, but I indicated I had already done so and could not find any additional information that was in the public domain.

55. The Claimant also sent specific questions to the First Defendant and the Inspector on 17 November 2010, asking what exceptional circumstances existed which justified the inclusion of the rear garden of Fourells in the Green Belt in the 1999 Local Plan "when the inspectors report had already concluded that there were no exceptional circumstances to amend the green belt" (the latter being a reference to the 1997 Inspector's report). That email was included as a Core Document. The Claimant went on to say that:

If the Council acknowledge the error, we can avoid unnecessarily further arguments at the hearing and let the inspector provide recommendations on a clearly definable boundary and include all the dwelling on the South East of Old Slade Lane and Richings Way into the settlement of Richings Park. This would bring the boundary in line with the South West [sic – it should read "East"] of Old Salde [sic] Lane and Richings Way/North Park."

In other words, the Claimant was proposing more extensive inroads in to the Green Belt than simply redrawing the boundary to exclude the rear garden of Fourells.

56. The First Defendant's response was, in effect, simply that it complied with all of the statutory steps leading to the adoption of the 1999 Local Plan and no legal challenge was made to the adopted Plan. The First Defendant went on to conclude:

The Council has already clearly demonstrated that it can meet its housing requirements without recourse to the release of land form [sic] the Green Belt. There are no exceptional circumstances warranting the consideration of Green Belt release.

57. At the hearing session itself, the following exchange took place between the relevant Officer of the First Defendant (Mr Ian Motuel), the Claimant, and the Inspector:

Mr Motuel: “Mr Hundal had not objected and did not take any legal action.”

Mr Hundal: “What were the exceptional circumstances to change the Green Belt on just my site and not others?”

Mr Motuel: “It has been some 20 years and we don’t have any document to say why.”

Inspector: “I can’t change what has happened in the past.”

58. The Claimant relies on the Inspector’s comment in that passage as evidencing the fact that she had already accepted the First Defendant’s position that there could not be a challenge to the Green Belt boundaries in the 1999 Local Plan on the basis that the boundaries in that Plan had been drawn up as a result of an error of law.
59. The Inspector’s report is dated 31 January 2011. The Non-Technical Summary at the front of the report summarises the conclusions reached:

This report concludes that the South Bucks Core Strategy Development Plan Document provides an appropriate basis for the planning of the District over the next 15 years. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements...All of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during public examination. The changes do not alter the thrust of the Council’s overall strategy.

60. In the Introduction to the Report (at paragraphs 1 and 2), the Inspector correctly identified that her role was to consider whether the Core Strategy was “*compliant in legal terms and whether it is sound...[i.e.] justified, effective and consistent with national policy*” and that her starting point for the examination was the assumption that the First Defendant had submitted what it considered to be a sound plan. At paragraph 8 of the Report, the Inspector stated:

Taking account of all the representations, written evidence and the discussions that took place at the examination hearing I have identified seven main issues upon which the soundness of the plan depends.

61. The first Issue identified by the Inspector was “*Does the Council’s overall strategy have a firm basis?*”. It is helpful to record the Inspector’s findings in paragraphs 9, 10 and (part of) 11 of the Report in relation to that issue because, in my judgment, they evidence the fact that the Inspector was adopting the correct approach to her task, namely to assess the soundness of the First Defendant’s plan, not to adjudicate on

individual objections per se or see if there was a different plan which she preferred. The relevant paragraphs read as follows:

9. *The cascade of relationships between the five themes identified in the South Bucks Sustainable Community Strategy (2009) (CD7/01) and the Council's overall vision for the District, its strategic objectives and how they inform policy, critical success factors, related performance indicators and targets, is particularly clearly set out in the plan. The vision is thus carried through to delivery in an exemplary manner.*
10. *The overall housing strategy of the plan is to accommodate growth within existing settlements, whilst avoiding harm to townscape character and without releasing Green Belt land. There is a clear audit trail which shows how alternative strategies were developed and tested, with a variety of spatial distributions of growth including those which would involve the release of some Green Belt land. Sustainability appraisal and effective engagement with stakeholders and the community took place at all main stages of the process.*
11. *...The overall strategy is sound.*

62. The Inspector considered, under Issue 2, whether the Core Strategy made “justified and effective provision for housing in terms of the overall number of dwellings, their distribution and the provision of particular types of dwellings including affordable housing”. She concluded that it did. At paragraph 18, she concluded:

18. *The evidence base is robust, subject to the recommendations above, and no contingency sites, within or outside the Green Belt, are required to make the strategy more deliverable or more flexible.*

That included the affordable housing target which she concluded, in paragraph 29 of the Report, was “challenging” but “realistic and justified” such that “the plan is sound in that regard”.

63. Issue 7 was framed in the following way: “Other development sites – does CP17 accord with PPG2? Are sites put forward by representors essential to the delivery and flexibility of the CS as contingency or alternative locations for growth?”. In paragraph 45 of the Report, the Inspector answered that issue in the following way:

45. *I concluded under Issues 1 and 2 that the overall strategy of accommodating housing growth within existing settlements without removing land from the Green Belt is sound, and that there is robust evidence that at least the lower CS housing target can be delivered in the plan period. There is therefore no need for a comprehensive review of Green Belt boundaries at this time, nor any*

need to look further for other housing land in the Green Belt to ensure the flexibility or deliverability of the CS, or the protection of existing townscape. A number of sites in the Green Belt were put before the examination, the individual site-specific and other merits of which I have considered carefully. However, for the above reasons, contingency or alternative development sites are not needed to make the plan sound, and none of the benefits put forward by promoters would override that consideration.

64. Finally, in paragraph 47 of the Report, in relation to the question of whether the Core Strategy complied with all of the legal requirements, the Inspector concluded that “*the Core Strategy meets them all*”. She specifically addressed compliance with National Policy, stating that the “*Core Strategy complies with national policy except where indicated and changes are recommended.*” No change was recommended in relation to the Green Belt boundary at Fourells.
65. As noted above, the First Defendant adopted the Core Strategy incorporating the changes recommended by the Inspector, on 22 February 2011. The Core Strategy as adopted continues to state that the Green Belt boundary is to remain unchanged until 2031 and the Proposals Map continues to include the rear garden of Fourells within the Green Belt.

THE COMPETING SUBMISSIONS

The Claimant’s Submissions

66. The main ground of challenge is the first ground. Under that ground the Claimant contends that the Inspector appointed by the Second Defendant to carry out the independent examination erred in law in that to the extent that she considered, as she was required to do by Regulation 31 of the Local Development (England) Regulations 2004, the representations made by the Claimant that the Core Strategy was “unsound”, she failed to have regard to the full planning history of the Green Belt boundary at Fourells on account of her mistaken belief that she could not change the Green Belt boundary by reason of events that took place before the adoption of the 1999 Local Plan.
67. The Claimant contends that:
 - 67.1 The Inspector was obliged to “consider” the representations made by the Claimant before making her recommendations as to whether or not the Core Strategy was “sound” in accordance with Regulation 31 of the Local Development (England) Regulations 2004;
 - 67.2 Proper consideration of the Claimant’s representations required the Inspector to have regard to any material considerations referred to in those representations;
 - 67.3 To determine whether the Core Strategy was “sound” the Inspector had to consider whether it was consistent with national policy;

- 67.4 The planning history of the Claimant's land at Fourells was a material consideration;
- 67.5 The question of whether there were exceptional circumstances which necessitated a change to the Green Belt boundary was a matter of planning judgment for the Inspector, provided that in making that judgment she had regard to the relevant material considerations identified in the material before her.
68. During oral argument, with the assistance of very clear submissions by both Counsel, it became clear that the Claimant's case could be distilled into the following submissions.
69. First that the First Defendant and the Inspector were required to ensure that the Core Strategy complied with National Policy. The Claimant contends that, since the Core Strategy proceeded on the basis that the Green Belt boundary would be as set out in the 1999 Local Plan, the First Defendant and the Inspector were required to determine (at least when the issue was raised by the Claimant) whether that boundary was determined in accordance with National Policy when the Local Plan was adopted. The Claimant submits that they failed to address themselves to that question and, as such, their respective decisions should be quashed and/or the only conclusion to which they could have come was that the Green Belt boundary in the 1999 Local Plan had not been determined in accordance with national policy in so far as it was extended to include the rear garden at Fourells with the result that the Core Strategy could not be held to be "sound" and must be quashed.
70. In the alternative, the Claimant contended that the fact of the error (as he characterised it) which resulted in the improper inclusion of the rear garden of Fourells within the Green Belt boundary in the 1999 Local Plan was itself an exceptional circumstance which necessitated a change to the boundary in accordance with PPG2. As such, the Green Belt Boundary should, on the Claimant's case, have been redrawn in the Core Strategy to revert back to original Green Belt boundary defined in 1989.
71. Further, the Claimant submitted that the Inspector's Report contained no reference to the Claimant's representation and that it was impossible to see from the Report alone what the Inspector's reasoning was in relation to it. The Claimant contended that the only reasoning of the Inspector which related to changes to the Green Belt was at paragraph 45 of the Report. In that paragraph, the Claimant submitted, the Inspector did not consider or refer to the need for the Core Strategy to be consistent with national policy in PPG2 and made no reference to whether, leaving aside issues relating to housing growth requirements, there were any other factors which constituted exceptional circumstances which necessitated changing the detailed boundaries of the Green Belt. The Claimant emphasised that the Claimant's representations concerning the Green Belt boundary in so far as it related to the rear garden at Fourells (as opposed to the Fourells Paddock) had not related to any need for boundary changes to accommodate housing growth.
72. In addition, according to the Claimant, neither the First Defendant in its response nor the Inspector in her comments at the hearing session, engaged with the Claimant's representation and submissions on their merits. The Claimant submitted that the First

Defendant wrongly sought to side-step the Claimant's point that the 1999 change had not been justified in terms of PPG2 by stating that the 1999 Local Plan had not been subject to legal challenge. However, it is axiomatic that the "adopted local plan" which establishes a detailed Green Belt boundary will be a plan which has been validly adopted (otherwise it would not be an "adopted local plan"). Thus, the mere fact that the existing boundary is contained within a legally valid local plan provides no basis for contending that exceptional circumstances may not exist which necessitate it being changed. The advice in PPG2 is to be applied to valid local plan boundaries. It is then necessary for all the circumstances in relation to that boundary to be examined to see if they amount to exceptional circumstances which necessitate it being changed.

73. Further, as I have indicated above, the Claimant relied on the Inspector's remarks at the hearing session that "*I can't change what has happened in the past*" as showing that the Inspector considered that she had no power to change the outcome of the earlier actions of the First Defendant in 1999 when it altered the detailed Green Belt boundary. According to the Claimant, the Inspector's remark was intended as an explanation to the Claimant as to what the Inspector saw as the limit of her powers: i.e. she was (wrongly) accepting the First Defendant's proposition that she could not go behind the 1999 Local Plan because it had not been challenged at the time.
74. In so doing, the Claimant submitted that the Inspector erred in law in that she failed to have regard to a material consideration, namely whether the evidence provided by the Claimant as to the absence of any exceptional circumstances in 1999 was sufficient evidence to constitute exceptional circumstances necessitating a change to the 1999 Green Belt boundary to restore it to its original 1989 alignment. The full planning history of the Green Belt boundary at Fourells was a material consideration in any assessment of whether that boundary should be changed. Had the Inspector appreciated that she was entitled to consider the full planning history of the Green Belt boundary at Fourells, there is a real possibility that she may have reached a different conclusion on the Claimant's representation. Had she done so, she could not then have found that the Core Strategy was "sound" as being consistent with national policy in PPG2 without requiring the boundary at Fourells to be changed to restore it to the 1989 boundary.
75. Under the second ground, the Claimant sought to challenge the decision of the First Defendant to adopt the Core Strategy. The Claimant submitted that the First Defendant was not obliged to adopt the Core Strategy and, in particular, was not obliged to perpetuate any error of law by the Inspector in making those recommendations. The First Defendant could see, from a perusal of the Inspector's report, that the Inspector had not addressed in terms the Claimant's representation. The First Defendant was present at the examination hearing session and was aware of the approach that the Inspector had indicated that she was taking to matters taking place before the adoption of the 1999 Local Plan. In essence this was the approach that had been promoted by the First Defendant. For the reasons set out above, the approach of disregarding the full planning history of Fourells, and excluding matters before the adoption of the 1999 Local Plan, when considering whether there were exceptional circumstances which necessitated a change to the Green Belt boundary was erroneous in law and the First Defendant should not have accepted recommendations from the Inspector made on a flawed basis.

76. Finally, the Claimant contended that he had been substantially prejudiced by the errors of the Inspector and of the First Defendant. Had his objection been properly considered on its merits there is a real possibility that the Inspector would have accepted that the boundary in the 1999 Local Plan could not be justified by reference to the advice in PPG2 and that she would have considered that the Core Strategy's failure to address this deficiency was an issue which meant that the Core Strategy was not consistent with national policy and so was not sound.

The First Defendant's Submissions

77. The First Defendant contended that the failure to exclude the rear garden at Fourells from the Green Belt somehow rendered the Core Strategy unsound.
78. The First Defendant argued that the Claimant was asking the wrong forensic question. Contrary to the submissions of the Claimant, it was not a question of what happened in the past as being an exceptional circumstance to remove the land from the Green Belt. The First Defendant contended that, even if (which it disputed) there were no proper grounds justifying the extension of the Green Belt boundary to include the rear garden of Fourells at the time of the 1999 Local Plan, that could not give rise to a challenge to the Core Strategy. The 1999 Local Plan had not been challenged at the time and as such, Policy GB1 of the 1999 Local Plan remained a valid, saved policy. Any error on the adoption of that Plan of the type alleged by the Claimant was not relevant to the development of the Core Strategy or the Inspector's review of that document. It was not their function to consider whether there had been historic errors of law in the formulation of the policies and adopted plans on which the Core Strategy was based. This was because the Core Strategy was, in simple terms, a forward looking document, planning for the future based on the position as it currently existed.
79. In the alternative, the First Defendant contended that the mere existence of an historic error of law or arguable error of law in the adoption of the 1999 Local Plan could not of itself require a change in the Green Belt. This is because, in accordance with paragraph 2.7 of PPG2, in order to qualify as "exceptional circumstances" justifying a change to the Green Belt boundary, the circumstances had to "necessitate" the change. The First Defendant submitted both that in principle the alleged error of law relied on by the Claimant did not, of itself, necessitate a change to the Green Belt boundary and that the Claimant had not at any stage contended that it would. (The latter point was answered by the Claimant in oral argument by submitting that the error of law of itself necessitated the redefinition of the boundary in order to bring it back into line with National Policy as set out in PPG2.)
80. The First Defendant accepted that *if* there were grounds which required a change to the Green Belt boundary (e.g. in order to provide sufficient housing to meet the projected needs of the District), then the existence of a historic error leading to the erroneous adoption of an extended Green Belt boundary may be a relevant consideration in determining where boundary should now be changed in order to accommodate the particular problem. It would, however, be unlikely to be a conclusive factor.
81. In any event, the First Defendant submitted that there were good grounds for the inclusion of the rear garden of Fourells in the 1999 Local Plan. Although this appears to be an assessment made many years after the event, the First Defendant pointed to

82. The First Defendant submitted that, as evidenced by (amongst other things) paragraph 45 of the Report, the Inspector had addressed herself to the correct question and had considered, globally, whether there is any need to review the Green Belt boundaries in order to provide further development sites to ensure the deliverability of the Core Strategy. In doing so, she confirmed that she had carefully considered the merits of specific sites put before her which must necessarily involve the Claimant's submission.
83. In relation to the second ground, the First Defendant contended that the Inspector's report properly addresses the Claimant's representation and the Claimant had failed to demonstrate any substantial prejudice. Further the Claimant had failed to show any irrationality on the part of the First Defendant in adopting the Core Strategy. Accordingly, the second ground must also fail.

DECISION

84. In my judgment, the present appeal must fail.
85. The 1999 Local Plan was adopted without any challenge to its validity. In the absence of any successful challenge to its validity, it is and was valid and lawful. The First Defendant is and was entitled to proceed on that basis. That is also consistent with it being a common feature of legislation governing planning that challenges to any relevant planning decision must be made swiftly (as in the case of the six week time limit allowed within which an appeal must ordinarily be brought). That is an essential feature of the regulatory scheme so that, within reason, there is as much certainty as possible in relation to the limits on land use and development that apply to different areas.
86. The purpose of the development of the Core Strategy is not to consider or rectify historic errors of law. The purpose of the Core Strategy, in simple terms, is to enable the First Defendant to set out its policy for the development and use of the land within its area over a given period. In other words, it is a prospective document, setting out the overall strategy to be adopted in relation to the future development and use of land and the future policies that will be pursued by the First Defendant, consistent with its obligations to review matters which might be expected to affect the development of its area and to develop a local development scheme. That is evident from, amongst other things, Sections 13, 15 and 17 of the PCPA 2004 (as amended) and Regulation 6 of the 2004 Regulations as set out above.
87. Similarly, it is not the function of the Inspector to substitute his or her decision as to the policy that ought to be adopted for that of the Local Planning Authority or to correct historic errors of law in adopted plans. As is clear from Section 20 of the PCPA, and as is accurately recorded in the Introduction to the Planning Inspectorate's Development Plan Document Examination Procedural Advisory Notes (August 2009), the function of the Inspector is to examine the legal compliance of the Local Planning Authority's policy *as a whole*. In other words, if the *prospective* policy set out in the relevant Development Plan Document meets the statutory criteria under

section 20 of the PCPA 2004, that is the end of the matter. It is not the function of the Inspector to adjudicate on individual objections. The Inspector has to take account of such objections, but only in so far as they are relevant to the questions posed by Section 20 of the PCPA 2004. As I have set out below, in my judgment, the Inspector in the present case approached her task in a proper and lawful manner.

88. It follows from the above, that I reject the Claimant's first submission that the Core Strategy should not have been approved by the Inspector or the First Defendant because it was premised on the 1999 Local Plan which, in turn, had included the rear garden of Fourells in the Green Belt as a result of what the Claimant contended had been the erroneous application of PPG2. In the absence of any successful challenge to the adoption of the 1999 Local Plan, everyone, including the First Defendant, was entitled to proceed on the basis that the 1999 Local Plan had been lawfully adopted. PPG2 was then relevant only to the extent that questions arose as to whether or not there should be changes to the Green Belt boundary as established in the 1999 Local Plan. Any such question would have to be answered having proper regard to, amongst other things, the policy set out in paragraphs 2.6 and 2.7 of PPG2.
89. Further, as set out in paragraph 23 of the Judgment of Simon Brown LJ in Copas, circumstances are only exceptional for the purposes of paragraph 2.7 of PPG2 if they *necessitate* a revision to the boundary – "*that necessity is the touchstone by which to determine whether the circumstances are exceptional or not*". I do not accept that an historic error of law in the making of one of the underlying documents constitutes such an exceptional circumstance. The error (if it existed) could have been corrected (subject to the discretion of the Court) in a legal challenge at the time that the relevant decision was made. In the absence of a challenge, the Plan is lawful and there is no need *per se* to change it.
90. Further, I do not accept the Claimant's submission that the mere presence of an error which resulted from the failure in the past to follow national policy "necessitates" a change to the Green Belt boundary for the purposes of paragraph 2.7 of PPG2. That paragraph is contemplating a relevant planning consideration for a change. The overriding policy of PPG2 is that the Green Belt boundaries should remain fixed once they have been validly determined. It is only if a relevant circumstance occurs that requires a change in the future for planning purposes that the circumstance will be an exceptional circumstance. An obvious example would be if, in the present case, the First Defendant had determined that it could not meet the projected housing requirements for its area up to 2031 without using Green Belt land. In that case, for the purposes of the Core Strategy, the exceptional circumstance may have been made out (assuming no other practical alternatives). At that point, a subsidiary question may arise as to which land that was currently within the Green Belt should now be freed for development. In making that latter decision, I accept that the fact that land had recently and erroneously been included within the Green Belt when the local plan was developed *might* be a relevant consideration in deciding where the boundary had changed but it would be highly unlikely to be the only or the dominant factor.
91. It follows that, in my judgment, the Claimant fails on his alternative case that the existence of an alleged historic error meant that there was, at the time of the Inspector's Report and the adoption of the Core Strategy by the First Defendant, an exceptional circumstance which necessitated a change in the boundary of the Green Belt to exclude the rear garden at Fourells.

92. It also follows that there is no basis on which to challenge either the Inspector's Report or the decision of the First Defendant to adopt the Core Strategy. In my judgment the Inspector properly directed herself to the relevant issues and there is no discernible error of law in her approach.
93. The correct position is as follows. The First Defendant properly applied PPG2 in developing its proposed Core Strategy. It developed a policy which sought to avoid changing any of the boundaries of the Green Belt as established in the 1999 Local Plan. It succeeded in doing so. That complied with the requirements of paragraph 2.7 of PPG2.
94. The Inspector addressed the correct question, namely whether the Core Strategy proposed by the First Defendant met the requirements of Section 20 of the PCPA 2004. As part of that process she concluded (as she was entitled to do) that the First Defendant was correct that its policy and objectives as set out in the Core Strategy could be met without releasing land from the Green Belt. That policy was compliant with the relevant legal requirements and complied with national policy including PPG2. Those conclusions were largely addressed under Issues 1 and 2 of the Report.
95. Given the conclusions that she had reached, it was inevitable that she would conclude that there was no need for a comprehensive review of Green Belt boundaries or to look for other housing land in the Green Belt. It also follows given my conclusions above that, in my judgment, the Inspector was correct to conclude that the Core Strategy complies with the relevant national policy for present purposes (i.e. PPG2).
96. I also do not accept the Claimant's submission either that the Inspector closed her mind to the Claimant's representations or failed properly to address the same in her Report. The fact of the site visit and the inclusion of the Claimant's representations in the documents before the Inspector show that they were being actively considered by the Inspector. Indeed, her comments to the Claimant on the need to do further research as to the line of the old boundary of the Green Belt show that she was actively considering the Claimant's representations. Further, I do not accept that the Inspector's comment at the hearing that "*I can't change what has happened in the past*" meant that the Inspector had dismissed the Claimant's representations without proper consideration. In the relatively informal setting of the examination, it seems to me that the Inspector was saying no more than she had no role or power to open up the 1999 Local Plan and revise it. That was correct.
97. Further, as set out in Barratt Developments, the Inspector did not have to address every representation that had been made to her. She only had to identify which representations were relevant to the task of examining the Core Strategy for compliance with the Section 20 criteria. In my judgment the Inspector approached that task in an entirely proper manner. She identified the key issues and addressed them. The report was relatively short but contains sufficient detail for her reasoning on the key issues to be understood with clarity.
98. Finally, it also follows from the above that there is no ground on which the decision of the First Defendant to adopt the Core Strategy can be challenged.
99. For all those reasons I dismiss this appeal.

100. I indicated at the close of the oral submissions that I would be prepared to deal with any submissions on costs or other matters on paper if the parties agree to that approach. Obviously if either party does not agree to those matters being dealt with on paper, the matter will be listed for a further, short, oral hearing.

Notes.
All dimensions and levels on site are to be checked prior to commencement of work.
This drawing is the copyright of J I Architects RIBA.



REV H 55 Spaces total 18.03.24
REV G Community facility removed,
additional car spaces added
16.03.2024
REV F Parking reassigned for plot
16 09.03.24
REV E Community facility removed.
Max 3 car space width. 6 Visitors
spaces added 08.03.24
REV C Car parking bays increased
to 5.5m x 2.9m. Plots 8 and 9
relocated 29.02.24

LAND TO REAR OF
BROADLEY GREEN
WINDLESHAM
SURREY

LAVIGNAC SECURITIES

REVISED SCHEME SHOWING
5.5M X 2.9M CAR SPACES

SCALE 1:500 DATE 29.02.24



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LOCATION:	Land South Of Beach House, Woodlands Lane, Windlesham, Surrey, GU20 6AP.
PROPOSAL:	Outline application for the demolition of 1 Broadley Green to facilitate the erection of 20 residential (Use Class C3) dwellings for age restricted (55+ years) accommodation with new means of access off Broadley Green with access to be determined and all other matters reserved.
TYPE:	Outline
APPLICANT:	Lavignac Securities
OFFICER:	Navil Rahman

This application has been reported to the Planning Applications Committee because it is a major development (a development of ten dwellings or over).

RECOMMENDATION: GRANT subject to conditions and a legal agreement

1.0 SUMMARY

- 1.1 The application relates to outline planning permission for the demolition of 1 Broadley Green and the construction of twenty residential units (net nineteen), age restricted for occupiers of 55 years or older (C3 Use Class). The application in addition to the principle of the development seeks to establish the means of access off Broadley Green with all other matters (appearance, layout, landscaping, and scale) reserved.
- 1.2 The application site relates to a rural exception site and seeks to provide 75% affordable housing provision (fifteen units), four of which would be provided to the Windlesham Community Trust. There would be five market housing units.
- 1.3 The application has demonstrated a local need for affordable housing for people with a local connection to the area, which cannot be met within the settlement boundary; will provide affordable housing for local people in perpetuity; and adjoins an existing settlement and is accessible to support the daily needs of the new residents. The principle of the development is therefore considered acceptable, and the proposal would not represent inappropriate development in the Green Belt.
- 1.4 The provision of market housing is considered necessary to support the viability of the scheme and the provision of affordable housing is therefore considered acceptable.
- 1.5 The proposed density of the development is considered acceptable, as is the indicative layout and siting of the development and the access to the site would be similar to that granted under previous planning applications (ref.18/0734 and 17/0526). No objections are raised in respect to neighbouring amenity, highway, flood risk, ecological or any other grounds.
- 1.6 The application is therefore recommended for approval subject to conditions and a legal agreement to secure the affordable housing provision and restricting occupancy to +55 residents.

2.0 SITE DESCRIPTION

- 2.1 The application site relates to a parcel of open, undeveloped land situated to the south of Woodlands Lane towards the junction with Broadley Green outside of the settlement boundaries although sited to the edge of Windlesham. The site lies within the Green Belt and Flood Zone 1 (low risk).
- 2.2 The site is currently occupied by a field shelter used for the keeping of one horse with part of the site forming the rear garden of Anfield House, Woodlands Lane. The site has an even gradient and falls 1m from north to south and is virtually level from west to east. It is enclosed by wooden access gates with close board fencing at either side using an existing dropped kerb off Broadley Green, and post and rail fencing along the other site boundaries.
- 2.3 The surrounding area within the settlement to the north of the site is characterised by a mix of semi-detached and detached, single-family dwellings standing at single-storey and two-storey level of a varying age and architectural style. To the south, east and western boundaries are open fields with trees and hedges found to the site boundaries including trees protected by tree protection orders (TPO) on the eastern boundary outside of the red line curtilage of the site.

3.0 RELEVANT PLANNING HISTORY

- 3.1 17/0526 Outline Application for the erection of fifteen affordable dwellings (all social rented) with access off Broadley Green. Access only with all other matters reserved. Granted 16 February 2018 (not implemented).
- 3.2 17/0533 Outline application for the erection of fifteen affordable dwellings (six managed by the Windlesham Community Homes Trust and nine intermediate affordable dwellings) with access off Broadley Green. Access only with all other matters reserved.
- Refused for the following reasons:
1. Failure to demonstrate a proven local need within the Parish of Windlesham for the proposed intermediate housing, for sale below market levels but above social rent costs, to people with a local connection to the area. As such the proposal represents inappropriate and harmful development in the Green Belt. By association, the proposal would cause significant harm to the openness of the Green Belt and the purposes for including land within it.
 2. The absence of a payment or a completed legal agreement for a SAMM payment.
- 3.3 18/0734 Outline application for the erection of fifteen affordable dwellings (six for affordable rent and nine for affordable shared ownership) with access off Broadley Green. Access only with all other matters reserved.
- Reported to the Planning Applications Committee on 15 August 2020 with an officer recommendation to approve. Granted 30 September 2020 with a legal agreement securing the affordable housing and SAMM (not implemented and has expired).
- See Annex A for a copy of this committee report and the legal agreement.

4.0 PROPOSAL

- 4.1 Outline planning permission together with means of access is sought for the construction of twenty age restricted retirement accommodation (Use Class C3) comprising of 5x2 bedroom units and 15x3 bed units, with eight units for affordable rent, seven for shared ownership and five market units. The proposal initially included a community building which was removed to allow for additional parking to be provided on site.
- 4.2 The dwellings would be predominantly a mix of detached and semi-detached units with a single terrace of three units, having their own private rear gardens and short front gardens with parking provided to the front of the units. They would comprise a mix of single-storey bungalows and two-storey dwellings, with each dwelling benefiting from a sheltered cycle store situated to their rear gardens. A total of fifty-five car parking spaces are provided for the development. The indicative layout shows the dwellings would be situated around a central communal amenity area and attenuation pond. Soft landscaping is shown to the boundaries, to the front of the properties and interspersed between the parking spaces.
- 4.3 Access to the site would be off Broadley Green between No.1 Broadley Green (which is to be demolished and rebuilt to make way for the access) and the rear of Anfield House, where an existing field gate leads to the application site. The layout slightly differs from that previously consented under application ref.18/0734 and 17/0526 by being sited approximately 3m further south to ensure that the rear garden of Anfield House is largely maintained.
- 4.4 Matters of appearance, layout, scale, and landscaping would be subject to reserved matters.
- 4.5 The applicant sets out that the proposal would support the delivery of accommodation for persons aged 55 and above, an identified need in the borough and Windlesham, based on trends shown within the Surrey Heath Local Housing Needs Assessment (LHNA) which estimates a significant growth of this demographic within the borough. The proposal would also contribute towards the affordable housing need whilst the applicant states four units would be provided at discount to the Windlesham Community Home Trust, a registered charity, to help meet the local affordable need. The submitted viability assessment demonstrates that there would be only a 6% profit on gross development value (GDV) for these five units). Due to the age restricted use of the site, the quantum of dwellings proposed (an increase of five units relative to the previous now expired permission ref.18/0734) was required to ensure the scheme would be viable.
- 4.6 The application has been supported by the following documents:
 - Planning Statement
 - Design and Access Statement
 - Drainage Assessment
 - Transport Statement
 - Preliminary Ecological Appraisal (include surveys)
 - Viability Assessment
 - Retirement Living Report
 - Sustainability and Energy Statement

5.0 CONSULTATION RESPONSES

5.1 The following external consultees were consulted, and their comments are summarised in the table below:

External Consultation	Comments received
County Highways Authority	Raise no objection subject to conditions relating to visibility splay installations, pedestrian crossing installation, EV charging points, cycle storage and construction transport management plan together with compliance of parking layout. See Annex B for full comments.
Local Lead Flood Authority	Raise no objection subject to a condition securing a detailed SuDS scheme.
Windlesham Parish Council	Raise objection on the following grounds: - Demolition of one half of a semi-detached property may have harmful implications on the neighbouring property and insufficient detail provided on the risk to the party wall. Officer response: Building Control would consider the structural integrity of the neighbouring property. Any works would need to be subject to a party wall agreement conducted by an independent surveyor ensuring works are carried out without prejudice to either party.
Surrey Wildlife Trust	Raise no objection, however clarification is sought on the extent of hedgerow loss, protection, and mitigation measures, whilst biodiversity should be secured. Recommend conditions in respect of sensitive lighting management plan, detailed reptile mitigation strategy, ecological England and management plan, landscape and ecological management plan and construction environmental management plan (CEMP).

5.2 The following internal consultees were consulted, and their comments are summarised in the table below:

Internal Consultation	Comments received
Arboricultural Officer	Raise no objection to the proposal however recommend that matters of tree protection and management are secured by condition.
Planning Policy	Raise no objection to the proposal and consider the development to have identified a local need.
Council's Viability consultants	Raised no objection to the proposal following a reduction to the number of market houses to 5 (down from 7).

6.0 REPRESENTATION

6.1 A total of twenty-nine letters of consultation were sent on the 21 September 2022 and to neighbouring residents together with site notices date 21 September 2022 displayed at the site, and press notices issued on the 5th and 10th October 2022. Following the amendment to the plans for the removal of the community building additional consultation was sent out on the 28 March 2024. A total of sixty-nine letters of support and six letters of objection were received together as part of the public notification exercise. The comments are summarised and responded to below.

6.2 The table below summarises the material planning reasons for objection:

Material Reason for Objection	Officer Response
<u>Principle of Development</u>	
Not required, planning requests for around 170 new dwellings in the surrounding area.	The site previously benefitted from planning permission under application 18/0734 for fifteen dwellings which remains a material consideration. The proposal, for an additional five dwellings, has demonstrated a need for affordable housing, and retirement housing in the local area. This is considered further in section 7.3 of the report.
No clear need for the development to meet Rural Exception tests.	The application is considered to meet the rural exception test and is considered acceptable in principle. This is considered further in section 7.3 of the report.
No very special (exceptional) circumstances	No very special circumstances are required to demonstrate the acceptability of the proposal as it meets the test of a rural exception site and is therefore considered appropriate development within the Green Belt. This is considered further in section 7.3 of the report.
Insufficient information on the need for over 55 housings.	The applicant has provided a retirement living report which outlines the age distribution of residents in the village against the lack of supply and lack of pipeline development of this type of housing. The local need is discussed further in section 7.3 of the report.
Proposal keeps increasing in density.	The proposed density of the development (21 dwellings per hectare) is no greater than the density of dwellings found in the surrounding (34 dwellings per hectare on Broadley Green), whilst the scheme is considered acceptable in respect of its indicative layout, spacing and storey heights. Paragraphs 123 and 128 of the NPPF set out that development that makes the efficient use of the land should be supported which is considered the case here.
<u>Amenity</u>	
Impact on neighbouring occupiers in respect of noise, construction activities and privacy.	A construction management plan is recommended to be secured by condition to assist in minimising the impacts of the construction activities. Noise and traffic impact is expected during any construction activities

	and given the scale of development, and the imposition of the condition recommended above, it is considered that any harm arising from construction activities would not warrant a reason for refusal.
Impact to structural integrity of No.3 Broadley Green as well as health and enjoyment of occupiers during the construction period and potential for construction to take a long time resulting in disruption to neighbouring occupiers.	Any demolition works would require Building Regulations and the integrity of the neighbouring property would be considered at this stage.
<u>Highways and Parking</u>	
Fails to respect Broadley Green, with the new access creating a highway safety concern for neighbouring users.	The proposed access is similar to the previously approved applications ref.18/0734 and 17/0526 with the only amendment being sited approximately 3m further south to ensure that the rear garden of Anfield House is maintained. SCC Highways have assessed the access and consider it acceptable.
Impact on existing blue badge parking spaces close to the entrance whilst no consideration given to existing parking demand nor impact of construction traffic and pollution.	The proposed access has been amended relative to that agreed on previous applications. County Highways has assessed the access in terms of safety and has raised no highway safety concerns. Any impact arising from construction traffic would be temporary in nature and expected with any new development.
Windlesham suffers from inadequate facilities and the development will increase traffic and burden on services supplied by neighbouring villages.	The proposal relates to the net gain of 19 dwellings. Whilst there would be an increase to the population, it is considered that it would not be sufficient to adversely impact on local services and facilities.
Insufficient parking provided not considering visitor parking whilst no regular viable bus service provided in Windlesham.	The proposed parking ratio is considered acceptable in line with Windlesham Neighbourhood Plan parking standards which requires an increased parking provision relative to SCC standards.
<u>Other Issues</u>	
Public notification narrowly drawn for an application that is of wider interest of the village.	The public notification exercise meets statutory requirements.
Contrary to the Windlesham Neighbourhood Plan (WNP).	This comment has not been elaborated any further, however, the proposal would accord with the requirements set out in the WNP.

6.3 The table below summarises the non-material planning reasons for objection:

Non-Material Reason for Objection	Officer Response
Impact on heating bills.	This is not a relevant material consideration.
Proposal is for developer gain.	This is not a relevant material consideration.
No statement and business plan for the purchase arrangements by the	This is not a relevant material consideration. The affordable housing provision would be secured by s106.

Windlesham Community Home Trust (WCHT)	
Description does not make clearly that this is a new application.	The application description does not reference any previous application and would therefore be considered a new application.

7.0 PLANNING CONSIDERATIONS

7.1 In considering this development regard is given to Policies CP1, CP2, CP3, CP5, CP6, CP11, CP12, CP14A, CP14B, DM5, DM9, DM10, and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); Policy NRM6 of the Southeast Plan 2009 (as saved) (SEP); the Residential Design Guide (RDG) SPD 2017, the Windlesham Neighbourhood Plan 2018-2028, the National Design Guide and the National Planning Policy Framework (NPPF); as well as advice within the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 (AAS).

7.2 The key issues to be considered are:

- Principle of development including impact on the Green Belt
- Impact on the character, appearance, and trees of the surrounding area.
- Impact on residential amenity.
- Impact on access, highway safety and parking capacity.
- Impact on flood risk and drainage
- Impact on biodiversity and ecology
- Impact on the Thames Basin Heaths Special Protection Area

7.3 Principle of development including impact on the Green Belt

7.3.1 The application site is situated within the Green Belt. Paragraphs 152 and 153 of the NPPF state inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.3.2 The construction of new buildings is to be regarded as inappropriate subject to a limited number of specific exceptions. Relevant in this instance is paragraph 154 f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites).

7.3.3 Paragraph 82 of the NPPF states that Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.

7.3.4 Policy DM5 of the CSDMP sets out the Council's approach to Rural Exception Sites, stating development consisting of 100% affordable housing within the countryside or Green Belt will be permitted where:

- i) There is a proven local need for affordable housing for people with a local connection to the area; and
- ii) The need cannot be met within the settlement boundary; and
- iii) The development will provide affordable housing for local people in perpetuity; and
- iv) The development site immediately adjoins an existing settlement and is accessible to public transport, walking or cycling and services sufficient to support the daily needs of new residents.

- 7.3.5 Policy DM5 is to be read alongside Paragraph 82 of the NPPF, and where market housing is provided, it is necessary to demonstrate whether this is required to support the viability of the development. The applicant has submitted a viability assessment which has been appraised by the Council's appointed viability consultants. Following the review, the applicant has agreed to a maximum of five market units to support the proposal (down from seven originally proposed) in line with the recommendation from the viability consultants.
- 7.3.6 The site was previously granted under in 2017 and 2018 (ref.17/0526 and 18/0734) for 100% affordable housing of net 15 dwellings. However, the previous schemes were not age restricted and the proposal represents a materially different scheme as a result. The increase in the net number of dwellings by four in this application, as evidenced by the viability assessment is considered necessary to provide for this scheme. The viability appraisal considered the previous applications as a potential alternative use value of the site however, it was considered that the residual value of those schemes would be negative and therefore it would not represent a viable scheme.
- 7.3.7 As such, given the conclusion of the appraisal, the proposal is considered to meet the starting point necessary to be considered acceptable as a rural exception site.
- i) There is a proven local need for affordable housing for people with a local connection to the area and ii) and (ii) Whether this need can be met within the settlement boundary.
- 7.3.8 Policy DM5 recognises that there are limited opportunities to provide housing within the smaller settlements such as Windlesham at a scale which will deliver significant levels of affordable housing.
- 7.3.9 The application is supported by justification taken from the Council's Housing Needs Assessment together with a Retirement Living Report. In the national context, there is a 'critical' need for housing for older people, based on the significant growth in the elderly demographic, with housing with care becoming an increasingly preferred option for older people to enable them to remain independent for as long as possible. The PPG advises that where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address the need.
- 7.3.10 The SH Housing Needs Assessment (2020) sets out that Surrey Heath trends in having a predicted 33% increase in +55-year-olds in the borough. Given the ageing population and higher levels of disability and health problems amongst older people, there is an increased requirement for retirement housing options in the future. The demand for retirement housing generally largely comes from older persons who live locally and are looking to downsize however at present there is a lack of high-quality homes, and this type of housing is generally made of flatted development which is a less attractive prospect. The proposal would provide a more attractive proposition for those looking to downsize, freeing up homes within the village for young families.
- 7.3.11 Policy DM5 does not provide any detail as to what qualifies "people with a local connection to the area". However, Page 21 of the Windlesham Neighbourhood Plan (WNP) identifies priority housing as 2/3-bedroom dwellings for older persons, with a need for retirement and assisted living units as well as homes for young persons.
- 7.3.12 The SH Housing Needs Assessment (2020) also sets out a net annual need of thirty shared ownership units and seventy-two affordable rented units in the rest of borough sub-area. The level of net housing need in the borough is considerable and the Council should seek the maximum affordable housing provision from development as viably possible. The previous application ref.18/0734 established the need for affordable housing specifically in Windlesham which remains the case. Evidence from the SH

Strategic Housing Market Assessment 2016 (SHMA) sets out that there was an annual need for thirty low-cost dwellings in Windlesham Parish. The Council's Five-Year Housing Land Supply (2023-2028) identifies one other site (Land East of St Margaret, Woodlands Lane ref.23/0080) which could be deliverable to meet this need however this application remains under consideration. This application proposes twenty shared ownership units and, in any case, would not be able to meet the annual target in Windlesham Parish alone.

7.3.13 The proposed form of housing and affordable housing provision would be secured by legal agreement with a local lettings policy agreed which would ensure that the qualifying residents have a local connection to the area i.e. have lived or worked in the area for at least 18 months. This type of agreement was considered acceptable as part of the previous application ref.2018/0734 (see Annex A for a copy of the legal agreement) and would ensure the development is provided for local residents. Subject to this agreement, the proposal has demonstrated an identified local housing need to which it would contribute towards and therefore would accord with parts i) and ii) of the policy.

iii) Whether the development will provide affordable housing for local people in perpetuity.

7.3.14 The legal agreement would be worded to ensure that the affordable housing is provided for local people. The agreed s106 agreement with the previous application ref.2018/0734 defined "local connection" as the following criteria (in a descending priority order). The definition would be applied to any s106 agreement attached to this application, ensuring that the affordable housing provision is provided for local people in perpetuity.

- i) Been ordinarily resident in the parish (for a minimum of 12 months); or,
- ii) Previously lived in the parish and continues to have a strong family connection to the parish (father, mother, brother, sister, or adult children who have lived in the parish for 5 years); or,
- iii) A demonstrable need by virtue of their employment to live in the parish; or,
- iv) A demonstrable need to live within the parish either to care and support or be cared for and supported by a family member; or,
- v) A demonstrable special requirement or need to live in the parish evidenced to and accepted by Surrey Heath Borough Council's Housing Services Manager; or,
- vi) Is and has been a resident in Surrey Heath District Council's administrative area for the preceding 12 (twelve) months; or,
- vii) has been resident in Surrey Heath District Council's administrative area for 3 (three) years out of the preceding 5 (five) years; or,
- viii) has been resident in Surrey Heath District Council's administrative area for 5 (five) years out of the preceding 10 (ten) years; or,
- ix) is permanently employed or has an offer of permanent employment in Surrey Heath District Council's administrative area; or,
- x) is temporarily employed or has an offer for temporary employment in a contract of not less than 12 months in Surrey Heath District Council's administrative area; or,
- xi) has a close relative currently resident in Surrey Heath District Council's administrative area; or,
- xii) is and has been a resident in any parish in Surrey for the preceding 12 (twelve) months; or,
- xiii) has been a resident in respect of any parish in Surrey for 3 (three) years out of the preceding 5 (five) years; or,
- xiv) has been a resident in respect of any parish in Surrey for 5 (five) years out of the preceding 10 (ten) years; or,
- xv) is permanently employed or has an offer of permanent employment in respect of any parish in Surrey; or,
- xvi) is temporarily employed or has an offer for temporary employment, in a contract of not less than 12 months in respect of any parish in Surrey; or,

xvii) has a close relative currently resident in any parish in Surrey; or,
xviii) any other person.

7.3.15 Given the previous agreement, the above definition is considered acceptable and appropriate in this instance subject to a clause being attached to the agreement to determine the relevant marketing period.

iv) Whether the development site immediately adjoins an existing settlement and is accessible to services sufficient to support the daily needs of new residents.

7.3.16 The application site sits immediately adjacent to the settlement boundary of Windlesham to the north and west of the site. It was accepted in the previous application ref.18/0734 that the site, by virtue of its location adjacent to the settlement would be considered a relatively sustainable location, with the village itself by virtue of being designated as a settlement area considered a sustainable location. It is recognised that the village itself does not benefit from various facilities and amenities typically associated with urban settlements however, the site would be a 4-minute walk to the local convenience store, pharmacy, and an additional minute walk to the nearest public house. The route to these amenities is a made road, with appropriate lighting and footways ensuring a safe and appropriate journey for users. The nearest supermarket is a 27-minute walk from the site through a made pedestrian route. Given the rural context of the surroundings, the site would be considered adequately located in respect of local services.

Summary

7.3.17 The application has identified a local need for affordable housing and housing for +55 persons and the proposal would contribute towards meeting this need. The proposal is therefore considered to be acceptable in line with Policy DM5 of the CSMDP as well as meeting exception f) of paragraph 154 of the NPPF. It would not be inappropriate development in the Green Belt. As such, the proposal would be considered acceptable in principle subject to an appropriate legal agreement.

7.4 Impact on the character, appearance, and trees of the surrounding area

7.4.1 Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document (CSDMP) 2012 promotes high quality design. Principle 6.2 of the RDG requires residential developments to use trees, vegetation, gardens, and open spaces to create a strong, soft green character to streets. Paragraphs 123 and 128 of the NPPF promote the effective use of land, particularly where there is an identified need for different types of housing. Developments which fail to make efficient use of land should be refused.

7.4.2 Policy WNP1.2 of the WNP states that development which provide a mixture of housing sizes and types and prioritises the development of two and three-bedroom dwellings to assist in increasing housing mobility within Windlesham village, shall be supported. Policy WNP2.1 states that proposals for new housing development shall be supported if they respond positively to and protect the built and natural character features of their setting within Windlesham village. Planning applications shall be supported if they:

- Maintain the established density including number of residential units and ratio of building footprint to open space development in the surrounding area.
- Maintain the general scale of development in the surrounding area without creating any overbearing presence; and
- Maintain the style and pattern of separation between buildings and widths of building frontages.

7.4.3 The application remains at outline stage with matters of layout, appearance, and scale to be determined by reserved matters. However, the submitted indicative site layout,

and the supporting documents provide an indication of how the scheme could be laid out, whilst also stating that the development will likely consist of bungalow and two-storey, semi-detached and detached properties comprising of two and three bedrooms. The previous applications granted on the site related to developments of net 15 dwellings and are material considerations. The proposal would result in an increase of 4 additional dwellings relative to the previously approved schemes.

- 7.4.4 The proposal would have a density of 21 dwellings per hectare (an increase from the 16 units per hectare of the previously approved scheme ref.18/0734). This is similar to the densities found on Broadley Green (34 dwellings per hectare) whilst densities of 80 dwellings per hectare can be found in the wider surrounding area such as that on Fromow Gardens 240m to the east of the site. The proposed building footprint to open space ratio would also be similar to that found on Broadley Green and Woodlands Lane and whilst it is recognised that some of the properties immediately north benefit from more generous sized gardens, this is not indicative of the wider surrounding area. The proposed form, and type of dwelling would conform with that found in the surrounding area particularly on Broadley Green. The indicative pattern of development would not appear out of character with the surrounding area, with the spacing between the properties, the plot widths, and lengths, together with the provision and size of the garden spaces, relating to the existing surrounding area. The proposed use of landscaping would contribute to the rural, verdancy typical of the area, and the indicative layout ensures sufficient landscaping would be provided.
- 7.4.5 Paragraph 123 within the NPPF states that developments should promote an effective use of land in meeting the need for homes and other uses. Furthermore, paragraph 128 of the NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into consideration different types of housing, local market conditions and viability. In this instance the proposed application has had due regard to these policies and should be further supported on this basis.
- 7.4.6 The proposed development by virtue of its location relative to the surrounding residential properties, would not be clearly viewed from existing public realm vantage points and therefore would not have a significant impact on the visual amenities of the surrounding area. The proposed parking layout would be acceptable allowing for convenient parking, and access.
- 7.4.7 The indicative layout illustrates an adequate level of soft landscaping can be achieved on site, and no objections have been raised by the Council's Arboricultural Officer. Landscaping would be a reserved matter and the final details of the landscaping including tree protection measures would be secured at the reserved matter stage. No objections were raised with the previous application in respect of the tree details proposed. As such, the proposal is considered acceptable in respect of trees.
- 7.4.8 The full details of the appearance, layout, landscaping, and scale of the development will be considered at reserved matters stage. The proposed indicative layout is considered appropriate and acceptable in the immediate and wider context, and no objections are raised on design and character grounds. The proposal would satisfy the objectives of Policy DM9 of the CSDMP, the WNP, the RDG and the NPPF.

7.5 Impact on residential amenity

- 7.5.1 Policy DM9 of the CSDMP is relevant.
- 7.5.2 Notwithstanding the rebuild of No.1 Broadley Green, the indicative layout demonstrates a minimum 25m separation distance between the nearest elevations of the existing neighbouring dwellings and the proposed dwellings. Given the separation distance, and that the development is to be at a maximum two-storeys in height, it is considered there would be no significant amenity impact to neighbouring occupiers in

respect of outlook, privacy, and daylight/sunlight. In respect of noise, the proposal would generate additional noise relative to the existing context however, the level of noise would be similar to the surrounding residential uses and given the separation distance would unlikely result in any undue or harmful impact.

- 7.5.3 Regarding No.1 Broadley Green, the property would extend approximately 3m beyond the neighbouring property at No.2 whilst including a setback from the shared boundary. Given the modest projection in combination with the setback, it is considered the proposal would not result in any significant harm to the neighbouring occupiers amenity. Where concerns have been raised in respect of the structural integrity of the property and the impact to the neighbour, this is a matter that would be subject to a party wall agreement and considered by Building Control legislation.
- 7.5.4 Plots 2 and 3 would sit adjacent to the end of the rear gardens of the properties fronting Woodlands Lane. There would be a minimum separation distance of approximately 25m between the nearest elevations and given the maximum two-storey height proposed and their position to the end of the rear gardens where boundary planting is found between the properties, it is considered there would be no significant amenity harm arising to the neighbouring properties.
- 7.5.5 The indicative layout would ensure occupiers receive acceptable levels of outlook, privacy, and private amenity space although these matters can only be confirmed following the submission of reserved matters. No objections have been raised by the Councils Arboricultural officer subject to ensuring tree protection and management details are secured by condition.
- 7.5.6 As such, the proposal is considered acceptable in respect of neighbouring amenity impact and the standard of accommodation in accordance with the objectives of Policy DM9 of the CSDMP.

7.6 Impact on sustainability, highway safety and parking capacity

- 7.6.1 Policy DM11 of the CSDMP relates to the impact on the highway network, including matters of highway safety, access, and parking.
- 7.6.2 The proposed means of access is similar to that was approved under application ref.18/0734, positioned approximately 3m south of the approved access. The width at the bell mouth would be slightly enlarged whilst the width of the access road would remain the same.
- 7.6.3 SCC Highways have been consulted on the application and raised no objections on safety, capacity, or policy grounds subject to appropriate conditions securing visibility splays, and pedestrian crossings to be installed.
- 7.6.4 Resident objections have been raised in respect of the impact upon existing off-street parking, particularly the potential impact to two marked disabled parking bays close to the new access. Given the absence of any objections from SCC Highways and the acceptability of the previous application, the access is considered acceptable and would not have any highway safety impact.
- 7.6.5 Concerns have also been raised in respect of parking provision. The surrounding area appears to benefit ample parking provision, with most properties benefitting from off-street parking and there appears to be scope for parking overspill if necessary. Policy WNP4.2 of the WNP states that new residential developments should, where space permits, provide parking spaces within the boundaries of the development for: 2 vehicles for 1 and 2-bedroom dwellings; and 3 vehicles for 3+ bedroom or larger dwellings. This policy is based on data from the 2011 Census. Policy WNP4.1 states parking spaces should have a minimum dimension of 2.9m by 5.5m.

- 7.6.6 In accordance with Policy WNP4.2, 55 parking spaces are required which the proposal would provide and therefore accord with the policy. It would also accord with the dimensional requirements set out in Policy WNP4.1. As the layout remains indicative, an informative is recommended to be attached to any grant of permission advising the applicants to conform to the aims and objectives of Policies WNP4.1 and 4.2. This is consistent with the approach taken with application 18/0734 (see Annex A and paragraph 7.6.5).
- 7.6.7 Each parking space would be installed with an EV charging point in line with SCC guidance. Cycle storage is provided to the rear gardens which is considered appropriate and acceptable and aimed towards reducing dependency on vehicle use.
- 7.6.8 As such, based on the above and the absence of any objection from the Highway Authority, the proposal is considered acceptable in respect of highway safety, access, and parking capacity in accordance with Policies CP11 and DM11 of the CSMDP and the WNP.

7.7 Impact on flood risk and drainage

- 7.7.1 Policy DM10 of the CSDMP is relevant.
- 7.7.2 The application site lies in a Zone 1 (low risk) flood area, however, relates to a major development. The Lead Local Flood Authority has reviewed the proposal and raised no objections subject to the implementation of a SuDS with the details to be secured by planning condition. On this basis the proposed development would be considered acceptable on drainage and flood risk grounds complying with Policy DM10 of the CSDMP and the NPPF.

7.8 Impact on biodiversity and ecology

- 7.8.1 Policy CP14 of the CSDMP is relevant.
- 7.8.2 The application is supported by a preliminary ecological appraisal, including bat roost survey and reptile survey. Surrey Wildlife Trust (SWT) have been consulted on the application, raising no objection. However, they asked for clarification on the impact on the hedgerow habitat of principal importance and recommend various conditions in the interests of species and biodiversity.
- 7.8.3 In respect of the hedgerow habitat of principal importance, SWT have stated that as the hedgerows appear to fall within the boundaries of the dwellings the long-term retention cannot be ensured and therefore either appropriate protection measures or compensation and mitigation measures should be secured. As the landscaping has not been agreed it is not confirmed whether these would form part of the boundary of the dwellings however, in the event it is, then appropriate replacement planting would be required to offset any impact.
- 7.8.4 SWT has also commented recommending that any development ensures that there would be no loss of overall biodiversity requiring an appropriately detailed biodiversity net gain (BNG) assessment, albeit there is no adopted legislative requirement for this to be provided (this only applies to major applications received from 12 February 2024). A BNG assessment has since been provided, however it is recognised that with landscaping and layout matters to be considered by reserved matters, it would be more appropriate to consider this matter by condition. This is because without the final layout agreed the level of gain cannot be confirmed.
- 7.8.5 It is recommended that subject to the recommendations of the submitted preliminary ecological appraisal, the Green Shoots Ecology report addendum and the conditions

recommended by SWT being adhered to, the proposal would not result in any significantly harmful impact to the ecology and biodiversity of the surrounding area in line with Policy CP14 of the CSDMP.

7.9 Impact on the Thames Basin Heaths Special Protection Area

7.9.1 Policy CP14 of the CSDMP indicates that development will only be granted where the Council is satisfied that the proposal will not give rise to a likely significant adverse effect upon the integrity of the Thames Basin Heath Special Protection Area (SPA). All new (net) residential development within five kilometres of the SPA is considered to give rise to the possibility of likely significant effect. Policy NRM6 of the SEP reflects these requirements. Proposals will be required to provide appropriate measures in accordance with the AAP. This includes contributions towards SAMM measures. SANG requirements are provided through CIL.

7.9.2 The Council has sufficient capacity of SANG for the development in the event of a grant of permission. The applicant has confirmed that the SAMM contribution would be secured through a legal agreement prior to the determination of this application. Subject to the signing of the legal agreement the proposal satisfies the objectives of Policy CP14 of the CSDMP, Policy NRM6 of the SEP, the NPPF and advice in the AAP.

7.10 Other matters

7.10.1 It is recommended that a condition be attached to any grant of permission to restrict the use of Permitted Development rights in respect of Schedule 1, Part 2, Classes A, B and E. Paragraph 54 of the NPPF advises against the use of planning conditions to restrict PD rights unless there is clear justification to do so.

7.10.2 Windlesham Village benefits from a semi-rural, natural character supported by a low ratio of built development to open space development in the surrounding area. The proposal as shown in the indicative layout form does not result in any significant harm to these characteristics. However, noting the large rear gardens of each plot, each property could feasibly undertake a significant amount of development without the need for planning permission if Permitted Development rights are retained resulting in an urbanised form of development which would be contrary to the verdant, open characteristics of the wider area. The imposed condition would not restrict the ability for the landowner to extend their property, only that express planning permission is sought, allowing due consideration to any future development on site. It is not considered necessary to restrict all classes of Part 1 of Schedule 2 of the GPDO, but only these parts which would allow for sizeable additions (i.e. outbuildings, side/rear extensions, roof extensions) to the properties.

7.11 Planning balance

7.11.1 The site was previously granted permission for net fifteen homes, and the proposal seeks to provide an additional net four homes. The principle of residential development on this site has been previously considered and is therefore considered acceptable.

7.11.2 The proposed development would increase the number of units compared to the previous grant of permission. However, the proposed density would remain lower than that of the immediate surrounding area and significantly lower than the wider village. The proposed development would be in accordance with the surrounding character in terms of size and scale. The indicative layout illustrates good spacing between and around properties and achieves a good ratio of building development to open space. Each property would have external amenity space exceeding the minimum requirements, and a sufficient number and size of parking spaces in accordance with the WNP.

- 7.11.3 The proposed increase in the number of units does not harm the acceptability of the proposal in respect of its design and impact on the surrounding character, whilst making more efficient use of land in line with paragraphs 123 and 128 of the NPPF.
- 7.11.4 The proposal would contribute towards an unmet and growing identified need in the borough for elderly persons housing, a type of housing considered a “priority” in the WNP. In addition, through providing attractive downsizer homes for local residents, the existing housing stock within the village would be released for young persons and families, another form of priority housing identified in the WNP.
- 7.11.5 No objections have been raised by the SCC Highways, SWT, LLFA, nor the Council’s Arboricultural or Policy officers.
- 7.11.6 Given the efficient use of the land, the contribution towards an identified need, provision of affordable housing together with the absence of any objections from statutory consultees and acceptability of the proposal in all other regards, it is considered that the planning benefits of the proposal weigh in favour of permission being granted.

8.0 PUBLIC SECTOR EQUALITY DUTY

- 8.1 Under the Equalities Act 2010 the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex, and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this duty.

9.0 CONCLUSION

- 9.1 The application has demonstrated an identified local housing need for affordable housing and +55 housing to justify the acceptability of the proposed development in principle. The proposal would therefore not be inappropriate development in the Green Belt. The proposed access is considered acceptable with Surrey County Highways raising no objections to the proposal. A full assessment of the impact of the proposal on the character (including landscaping) and amenity of the surrounding area will be considered at reserved matters stage, however, based on the submitted indicative plans and information, no objections are raised on these or any other grounds. The proposal is therefore recommended for approval subject to appropriate conditions and legal agreement in line with the CSDMP and NPPF.

10.0 RECOMMENDATION

The Executive Head of Planning to be authorised to GRANT permission subject to a legal agreement to secure the following:

- Seven units to be provided and maintained as shared ownership affordable housing.
- Eight units to be provided and maintained as social rented affordable housing in perpetuity.
- the Shared Ownership Dwellings will only be sold to persons with a local connection to the Parish of Windlesham.
- the Affordable Rent Dwellings shall only be let in accordance with a local lettings policy to persons with a local connection to the Parish of Windlesham.
- Future occupiers to be a +55 years old.
- The financial contribution towards SAMM.

GRANT subject to a legal agreement and the following conditions:

1. Approval of the details of the appearance, landscaping, layout and scale of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(a) Application for approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission.

(b) The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To prevent an accumulation of unimplemented planning permissions and to comply with Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (or any order revoking and re-enacting that Order) and Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 (2) of the Planning and the Compulsory Purchase Act 2004.

2. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Broadley Green has been constructed and provided with 2.4 x 43 metre visibility splays in accordance with the approved plans (Drawing No.101.H received 19 March 2024) and thereafter the visibility splays shall be kept permanently clear of any obstruction over 0.6 metres high.

Reason: To ensure that the development would not prejudice highway safety nor cause inconvenience to other highway users and to satisfy policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Policies Document (2012) and to meet the aims and objectives of the National Planning Policy Framework.

3. The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the access to Broadley Green the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

Reason: To ensure that the development would not prejudice highway safety nor cause inconvenience to other highway users and to satisfy policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Policies Document (2012) and to meet the aims and objectives of the National Planning Policy Framework.

4. The development hereby approved shall not be first occupied unless and until an uncontrolled pedestrian crossing on Broadley Green, including tactile paving, has been provided as part of the construction of the vehicular access in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development would not prejudice highway safety nor cause inconvenience to other highway users and to satisfy policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Policies Document (2012) and to meet the aims and objectives of the National Planning Policy Framework.

5. The development hereby approved shall not be first occupied unless an uncontrolled pedestrian crossing on Woodlands Lane, including tactile paving, has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development would not prejudice highway safety nor cause inconvenience to other highway users and to satisfy policies CP11 and DM11

of the Surrey Heath Core Strategy and Development Policies Document (2012) and to meet the aims and objectives of the National Planning Policy Framework.

6. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority for vehicles to be parked and to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.

Reason: To ensure that the development would not prejudice highway safety nor cause inconvenience to other highway users and to satisfy policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Policies Document (2012) and to meet the aims and objectives of the National Planning Policy Framework.

7. The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of sustainability and promoting sustainable modes of transport to satisfy policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Policies Document (2012) and to meet the aims and objectives of the National Planning Policy Framework.

8. The development hereby approved shall not be first occupied unless and until each of the proposed dwellings are provided with parking for bicycles in a robust, secure, and lit enclosure in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facility shall be provided, retained, and maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of sustainability and promoting sustainable modes of transport to satisfy policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Policies Document (2012) and to meet the aims and objectives of the National Planning Policy Framework.

9. No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives, and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (g) vehicle routing
- (h) measures to prevent the deposit of materials on the highway
- (i) on-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: To ensure that the development would not prejudice highway safety nor cause inconvenience to other highway users and to satisfy policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Policies Document (2012) and to meet the aims and objectives of the National Planning Policy Framework.

10. The development hereby permitted shall be carried out wholly in accordance with the submitted Preliminary Ecological Assessment 23 May 2022 and addendum received 7 March 2023. The recommendations and any necessary mitigation and compensation measures shall be provided and carried out and thereafter retained in perpetuity.

Reason: In the interests of biodiversity, ecology, and local amenity, in accordance with Policy CP14 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and objectives of the National Planning Policy Framework.

11. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees, and hedges to be retained, together with the new planting to be carried out to mitigate the tree loss within the site and shall build upon the aims and objectives of the supplied BS5837:2012 - Trees in Relation to Design, Demolition and Construction Arboricultural Method Statement.

Reason: In the interests of biodiversity and trees and to preserve and enhance the visual amenities of the locality in accordance with Policy CP14 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

12. A landscape management plan including maintenance schedules for all landscape areas other than small, privately-owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The schedule shall include details of the arrangements for its implementation. The landscape areas shall be managed and maintained thereafter in accordance with the agreed landscape management plan for a minimum period of five years.

Reason: In the interests of biodiversity and trees and to preserve and enhance the visual amenities of the locality in accordance with Policy CP14 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

13. Prior to the commencement of any works a pre-commencement a survey must be undertaken by a suitably qualified ecologist to confirm the presence/absence of badgers. If any signs of badgers are found during the pre-commencement check further survey work will be required to be undertaken and a mitigation strategy submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works within thirty metres of any sett. The mitigation strategy shall be implemented in full in accordance with the approved details.

Reason: To prevent the disturbance of protected species and the destruction of any sett tunnels within the site, in line with the objectives of Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the objectives of the National Planning Policy Framework.

14. No development shall commence unless and until a Sensitive Lighting Management Plan (SLMP) has been submitted to and approved in writing by the Local Planning Authority. The SLMP should include details of how the development will result in no net increase in external artificial lighting.

Reason: To secure the appropriate long-term management of the site to preserve and enhance the visual amenities of the locality and biodiversity, in accordance with

15. Prior to the commencement of development, an updated reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority.

The strategy shall include:

- Location and map of the proposed translocation site.
- Assessment of the habitats present, including their ecological function to reptiles.
- Assessment of the translocation site reptile population size, evidenced by recent reptile surveys following best practice and an assessment of habitat quality.
- Analysis of reptile carrying capacity of translocation site.
- Details of management measures that are required.
- Work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organisation responsible for implementation of the reptile mitigation strategy.
- Ongoing monitoring and remedial measures.
- Legal and funding mechanisms by which the long-term implementation of the reptile mitigate strategy will be secured by the applicant with the management bodies responsible for its delivery.
- Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To ensure the appropriate protection, mitigation, and compensation of potential harm to reptiles in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Framework.

16. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP should include details of the following:

- o Description and evaluation of features to be managed.
- o Ecological trends and constraints on site that might influence management.
- o Aims and objectives of management.
- o Appropriate management options for achieving aims and objectives.
- o Prescriptions for management actions, together with a plan of management compartments.
- o Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- o Details of the body or organisation responsible for implementation of the plan.
- o Ongoing monitoring and remedial measures.
- o Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery.
- o Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To secure the appropriate long-term management of the site to preserve and enhance the visual amenities of the locality and biodiversity, in accordance with

17. No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority, to include details of:
- a) Map showing the location of all the ecological features
 - b) Risk assessment of the potentially damaging construction activities
 - c) Practical measures to avoid and reduce impacts during construction
 - d) Location and timing of works to avoid harm to biodiversity features
 - e) Responsible persons and lines of communication
 - f) Use of protected fences, exclusion barriers and warning signs.
 - g) Site operation time
 - h) Details of proposed means of dust suppression and emission control
 - i) Details of proposed means of noise mitigation
 - j) Lighting impact mitigation
 - k) Material and waste management
 - l) Procedure for implementing the CEMP

Reason: To mitigate the impact of the construction activities on ecology and biodiversity, in accordance with Policies CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

18. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non- Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
- a) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+45% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 3.7 l/s including multi-functional SuDS.
 - b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). Including confirmation that the outfall pipe work and existing watercourse remains in publicly accessible areas.
 - c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
 - d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
 - e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site and to accord with Policy DM10 of the Core Strategy and Development Management Policies 2012 and the NPPF.

19. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company, and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site and to accord with Policy DM10 of the Core Strategy and Development Management Policies 2012 and the NPPF.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no further extensions to the dwellings hereby approved or additions to their roofs shall be erected under Schedule 2, Part 1, Class A or Class B of that Order; and no buildings, enclosures, pools or containers incidental to the enjoyment of a dwelling house shall be erected under Schedule 2, Part 1, Class E of that order; without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargement, improvement, or other alterations to the development in the interests of visual and residential amenity and to preserve the openness of the Green Belt and wider surrounding area, to accord with Policies CP1 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Informative(s)

1. This Decision Notice is a legal document and therefore should be kept in a safe place as it may be required. A replacement copy can be obtained, however, there is a charge for this service.
2. The development hereby permitted is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (as amended).

In accordance with CIL Regulation 65, the Council will issue a Liability Notice in respect of chargeable development referred to in this decision as soon as practicable after the day on which this decision first permits development. The Liability Notice will confirm the chargeable amount calculated by the Council in accordance with CIL Regulation 40 (amended) and in respect of the relevant CIL rates set out in the adopted Surrey Heath Charging Schedule. Please note that the chargeable amount is a local land charge.

Failure to pay CIL in accordance with the CIL Regulations and Council's payment procedure upon commencement of the chargeable development referred to in this decision may result in the Council imposing surcharges and taking enforcement action. Further details on the Council's CIL process including the assuming, withdrawing, and transferring liability to pay CIL, claiming relief, the payment procedure, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the Council's website.

3. The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge, or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to submit to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-managementpermit-scheme>

The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice

4. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
5. Notwithstanding any permission granted under the Planning Acts, no signs, devices, or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
6. The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant Utility Companies and the Developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users.
7. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning, or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

8. The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
9. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle

Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.

10. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Planning Division of Surrey County Council.
 11. The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.
 12. The applicant is expected to ensure the safe operation of all construction traffic in order to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading, and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. Where repeated problems occur the Highway Authority may use available powers under the terms of the Highways Act 1980 to ensure the safe operation of the highway.
 13. Should the applicant wish to offer the proposed road for adoption the CHA would require the following:
 - o A 2m service margin to be provided on the northeastern side of the carriageway, with a minimum 0.5m on the other side. Clear demarcation of the edge of highway.
 - o A 2m wide footway to be provided on the northeastern side of the carriageway at least as far as property No. 1 shown on the indicative site plan. The footway to properties No. 1 and 2 to tie into this.
 - o Clear visual demarcation of the start of the shared surface area.
 - o All parking bays to be a minimum 2.4 x 4.8m with a minimum 6m space provided in front of any garage.
 - o Other technical details to be agreed.
 14. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website. If proposed works result in infiltration of surface water to ground within a Source Protection Zone, the Environment Agency will require proof of surface water treatment to achieve water quality standards. Sub ground structures should be designed so they do not have an adverse effect on groundwater.
 15. The applicant is advised to ensure that the final layout complies with the aims of Policies WNP4.1 (New Residential Developments Parking Space Design) and WNP4.2 (Residential Developments Parking Space Standards) of the Windlesham Neighbourhood Plan 2019.
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Agenda item

Application Number: 22/0935/OOU - Land South Of Beach House, Woodlands Lane, Windlesham, Surrey, GU20 6AP*

- Meeting of Planning Applications Committee, Thursday, 23rd May, 2024 6.30 pm (Item 3/P)

Minutes:

This outline application was for the demolition of 1 Broadley Green to facilitate the erection of 20 residential (Use Class C3) dwellings for age restricted (55+ years) accommodation with new means of access off Broadley Green with access to be determined and all other matters reserved.

This application had been reported to the Planning Applications Committee because it was a major development (a development of ten dwellings or over). The application was deferred from the 25 April 2024 committee meeting as updated viability information was provided by the Council's Viability Consultants after the publishing of the agenda.

As the application triggered the Council's Public Speaking scheme, Douglas Bond, the agent spoke in favour of the application.

Members questioned if the application complied with policy DM5 on rural exception sites in the Council's Core Strategy and the speaker confirmed it did. The speaker also confirmed that 16 of the homes would be affordable housing (80%) and discussions remained open with several community groups on the outstanding four homes.

The Committee discussed the age range the proposed homes would be aimed at and the local need for them. Any potential impact on neighbours, in particular No.3 Broadley Green was

discussed and Members were keen for this to be kept to a minimum.

Members were keen to minimise any ecological impact this application may cause and it was highlighted that there had been no objections from Surrey Wildlife Trust and there was sufficient SANG provision.






The Officer recommendation to grant the application subject to conditions and a legal agreement (including a three month timeframe) was proposed by Councillor Wilson, seconded by Councillor Garrett, put to the vote and carried. The vote was unanimous.

RESOLVED that application 22/0935/OOU be granted subject to conditions and a legal agreement.

This legal agreement is aimed to be completed within 3 months of this decision; however if not a further 3 month extension would be permitted. This extension if required to be determined by the Chair and Vice-Chair of the Planning Applications Committee.

An informative regarding third party walls would also be included.

Supporting documents:

- [5. 22/0935 Land South of Beach House report, item 3/P](#)  PDF 187 KB
 - [5b. Annex A 18-0734, item 3/P](#)  PDF 2 MB
 - [5c. 22/0935 Annex B SCC Highway Comments, item 3/P](#)  PDF 122 KB
 - [5d. 22/0935 OS, item 3/P](#)  PDF 366 KB
 - [5e. 22/0935 Plans and Photos, item 3/P](#)  PDF 3 MB
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Surrey Heath Borough Council

Surrey Heath House
Knoll Road
Camberley
Surrey
GU15 3HD
Contact Centre: 01276 707100
DX: 32722 Camberley
Website:
Www.surreyheath.gov.uk

Service: Regulatory Services
Our Ref: 18/0734
Officer: Mr Ross Cahalane
Direct Tel: Contact Centre: 01276 707100
Email: development.control@surreyheath.gov.uk

Mr Douglas Bond
Wolf Bond Planning
The Mitfords
Basingstoke Road
Three Mile Cross, Reading
Berkshire
RG7 1AT

Date of Decision: 30th September 2020

TOWN & COUNTRY PLANNING ACT 1990
Town & Country Planning (Development Management Procedure)
(England) Order 2015

In pursuance of their powers under the above-mentioned Act and Order the Council, as the Local Planning Authority, hereby **GRANT** permission for the following in accordance with the details given on the application form and approved plans and subject to the schedule of conditions listed:

- Proposal:** Outline application for the erection of 15 affordable dwellings (six for affordable rent and nine for affordable shared ownership) with access off Broadley Green. Access only with all other matters reserved.
- Location:** Land South Of Beach House
Woodlands Lane
Windlesham
GU20 6AP

SCHEDULE OF CONDITION(S)

1. Approval of the details of the scale appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
 - (a) Application for approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission.
 - (b) The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved

matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To prevent an accumulation of unimplemented planning permissions and to comply with Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (or any order revoking and re-enacting that Order) and Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 (2) of the Planning and the Compulsory Purchase Act 2004.

2. The development hereby approved shall not be occupied unless and until the proposed vehicular access to Broadley Green has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05 m highway.

Reason: The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to satisfy policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Policies Document (2012) and to meet the aims and objectives of the National Planning Policy Framework.

3. The development hereby approved shall not be first occupied unless and until an uncontrolled pedestrian crossing including tactile paving across Broadley Green has been provided as part of the construction of the vehicular access in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to satisfy policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Policies Document (2012) and to meet the aims and objectives of the National Planning Policy Framework.

4. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning area shall be retained and maintained for their designated purpose.

Reason: The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to satisfy policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Policies Document (2012) and to meet the aims and objectives of the National Planning Policy Framework.

5. No development shall commence until a Construction Transport Management Plan, to include details of:
 - a. parking for vehicles of site personnel, operatives and visitors

- b. loading and unloading of plant and materials
- c. storage of plant and materials
- d. measures to prevent the deposit of materials on the highway

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to satisfy policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Policies Document (2012) and to meet the aims and objectives of the National Planning Policy Framework.

6. The development hereby permitted shall be carried out wholly in accordance with the submitted Arboricultural Report prepared by MJC Tree Services [Mark Carter] and dated 05 October 2016. No development shall commence until photographs have been provided by the retained Consultant and forwarded to and approved by the Council's Arboricultural Officer. This should record all aspects of tree and ground protection measures having been implemented in accordance with the Arboricultural Report. The tree protection measures shall be retained until completion of all works hereby permitted.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out to mitigate the tree loss within the site, and shall build upon the aims and objectives of the supplied BS5837:2012 - Trees in Relation to Design, Demolition and Construction Arboricultural Method Statement [AMS].

All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to BS3936:1992 Parts 1 - 5: Specification for Nursery Stock. Handling, planting and establishment of trees shall be in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape.

A landscape management plan including maintenance schedules for all landscape areas other than small, privately-owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development or any phase of the development, whichever is the sooner, for its permitted

use. The schedule shall include details of the arrangements for its implementation. The landscape areas shall be managed and maintained thereafter in accordance with the agreed landscape management plan for a minimum period of five years.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

8. All hard and soft landscaping works shall be carried out in accordance with the approved details. Arboricultural work to existing trees shall be carried out prior to the commencement of any other development; otherwise all remaining landscaping work and new planting shall be carried out prior to the occupation of the development or in accordance with a timetable agreed in writing with the Local Planning Authority. Any trees or plants, which within a period of five years of commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased shall be replaced as soon as practicable with others of similar size and species, following consultation with the Local Planning Authority, unless the Local Planning Authority gives written consent to any variation.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

9. No development shall take place until details of the following SuDS/Drainage matters have been submitted to and agreed upon in writing by the Local Planning Authority:
 - a) Detailed drawings of all the SuDS/Drainage elements and layout
 - b) Full drainage calculations showing that all storm events up to the 1 in 30 year storm event are contained within the drainage system and that the 1 in 100 year + CC storm event is suitably managed on site.
 - c) Confirmation of the proposed storage on site and details of what the base line water level will be within the pond and how much storage volume will remain.
 - d) Results from the undertaken infiltration testing.
 - e) Details of where any exceedance flows (ie rainfall greater than design or flows following blockages) would run to avoiding risks to people and property
 - f) Details of construction phasing, ie how drainage will be dealt with during works including pollution prevention
 - g) Details of the required maintenance regime for the SuDS elements and who will be responsible for maintenance
 - h) Details of how the applicant will prevent the outlet from blocking

Reason: To ensure the drainage design meets the technical standards and to accord with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

10. Prior to the first occupation of the development hereby approved, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the drainage design meets the technical standards and to accord with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

11. No development shall take place until a noise impact assessment carried out by a suitably qualified person has been submitted to and agreed upon in writing by the Local Planning Authority. The noise impact assessment must refer to the British Standard 8233: 2014 - 'Guidance on sound insulation and noise reduction for buildings' and other relevant noise policy, to inform the type and level of noise attenuation required to mitigate any identified impacts upon the proposed development from road traffic noise, or other surrounding sources of noise as identified in the assessment.

Reason: In the interests of the amenities enjoyed by future occupiers of the proposed development and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

12. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP should include details of the following:
 - i) How badger access to foraging areas and resource are to be supported as a result of the development., including provision of measures to ensure permeability for badgers across the site and habitat planting and management measures to ensure foraging opportunities are maintained, and
 - ii) Details of how bat foraging resource and commuting flight lines are to be maintained and enhanced as a result of development, in line with the recommendations of Section 7.2 of the submitted 'Bat Activity Surveys' report (dated September 2017 and received on 13 August 2018).

Reason: To secure the appropriate long term management of the site in order to preserve and enhance the visual amenities of the locality and biodiversity, in accordance with Policies CP14B, DM9 and DM16 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

13. No development shall commence unless and until a Sensitive Lighting Management Plan (SLMP) has been submitted to and approved in writing by the Local Planning Authority. The SLMP should include details of how the development will result in no net

increase in external artificial lighting upon the existing bat flight lines as identified within the submitted 'Bat Activity Surveys' report (dated September 2017 and received on 13 August 2018).

Reason: To secure the appropriate long term management of the site in order to preserve and enhance the visual amenities of the locality and biodiversity, in accordance with Policies CP14B, DM9 and DM16 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Framework.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no further extensions to the dwellings hereby approved or additions to their roofs shall be erected under Schedule 2, Part 1, Class A or Class B of that Order; and no buildings, enclosures, pools or containers incidental to the enjoyment of a dwelling house shall be erected under Schedule 2, Part 1, Class E of that order; without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargement, improvement or other alterations to the development in the interests of visual and residential amenity and to preserve the openness of the Green Belt, to accord with Policies CP1, DM1 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Informatives:

1. The applicant is reminded of the self-build declaration on the completed CIL Exemption Claim form.

The Planning Authority will notify you in writing as soon as practicable, confirming the amount of exemption granted. If the development commences before the Planning Authority has notified you of its decision on the claim, the levy charge must be paid in full within the time period specified by the Planning Authority.

Before commencing the development, you must submit a CIL Commencement Notice to the Planning Authority. This must state the date on which the development will commence, and the Planning Authority must receive it on or before that date. Failure to submit the Commencement Notice in time will immediately mean the development is liable for the full levy charge.

On completion of the development you must submit evidence of self-build and the property must remain your principal residence for a minimum of three years. If personal circumstances change and you want to dispose of the property before the three year occupancy limit expires, you can do so, but you must notify the Planning Authority

and the levy then becomes payable in full. Failure to notify the Planning Authority will result in enforcement action against the applicant and surcharges will become payable.

2. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Mini Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>.

The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.

3. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transport Development Planning Division of Surrey County Council.
4. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
5. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
6. A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
7. The applicant is advised that under the Control of Pollution Act 1974 construction work which will be audible at the site boundary will be restricted to the following hours: 8am to 6 pm Monday to Friday; 8am to 1pm Saturday; and, not at all on Sundays and Public Holidays. For

the avoidance of doubt 'Public Holidays' include New Years Day, Good Friday, Easter Monday, May Day, all Bank Holidays, Christmas Day and Boxing Day.

8. The applicant is advised to ensure that the final layout complies with the aims of Policies WNP4.1 (New Residential Developments Parking Space Design) and WNP4.2 (Residential Developments Parking Space Standards) of the Windlesham Neighbourhood Plan 2019.

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Executive Head - Regulatory
Duly authorised in this behalf
(ATTENTION IS DRAWN TO THE NOTES ATTACHED)

NOTES TO APPLICANTS

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice, unless your decision relates to the following:

- For a Householder Planning Application you must appeal within 12 weeks of the date of this notice.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, then you must appeal within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application then you must appeal within: 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- For a minor commercial application you must appeal within 12 weeks of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Further advice

- If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted, the owner may serve a Purchase Notice on Surrey Heath Borough Council. This Notice will require the Council to purchase his interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 120 of the Town and Country Planning Act 1990.
- This decision notice refers only to the application made and does not convey any other consent or permission. Applicants should satisfy themselves that any other relevant consent is obtained before any work commences. For example: approval under the Building Regulations; consent under the Environment Agency byelaws; the release of any restrictive covenants on the land or permission of any landowners. Attention is drawn to Section 20 of the Surrey Act 1985 which requires that when a building is erected or extended proper provision shall be made for the fire brigade to have means of access to the building and any neighbouring building.

- This decision notice is a legal document and therefore should be kept in a safe place as it may be required if or when selling your home. A replacement copy can be obtained at www.surreyheath.gov.uk. A paper copy can be obtained but there is a charge for this service.