

## Examination of West Berkshire Local Plan 2022-2039

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### IN26: Action Points from week three hearing sessions

#### Introduction

Further to the week three hearing sessions, the following actions are required by the Council. I consider these to be necessary at this stage of the examination to inform my consideration of whether the Plan is sound and/or how it could be made sound by main modifications. I may decide in due course that other or different main modifications are required, including to the parts of the Plan that I refer to below.

Responses should be submitted to the Programme Officer by **midday on Wednesday 19 June 2024** unless otherwise specified.

#### SP1 Densities

**AP30.** Council to propose a modification to the paragraphs in policy SP1 relating to density to refer to:

- a) Making efficient use of land and achieving good design, as well as to location, context and site size and shape.
- b) Density of 20 dwellings per hectare on developments on the edge of settlements in the AONB.

#### SP11 Biodiversity and geodiversity

**AP31.** Council to amend the proposed modification to the end of the first sentence of policy SP11 [EXAM23] to read "... and, where required, deliver Biodiversity Net Gains".

#### SP12 Housing requirement and supply

**AP32.** Council to propose a modification to the reasoned justification to policy SP12 to:

- a) Reflect the response to AP4 and the modified requirement of 515 dwellings per year which does not include any unmet need from Reading.
- b) Clarify that Table 2 refers to the period 1 April 2023 to 31 March 2041.

- c) Refer to “approximately” 80 dwellings to be allocated in the Hungerford and Lambourn neighbourhood plans and to those plans being “made” (rather than “adopted”).
- d) Refer to the five year housing land supply as at 1 April 2023 based on the modified trajectory to be included in the Plan ie a supply of 3,056 compared to a requirement for 2,074 including a 5% buffer (rather than referring to the housing land supply report February 2024)<sup>1</sup>.

### **SP18 Housing type and mix**

**AP33.** Council to propose a modification to policy SP18 to clarify the requirement for meeting the wheelchair accessible standard M4(3) in relation to the provision of affordable housing.

### **SP19 Affordable housing**

**AP34.** Council to propose a modification to policy SP19 to:

- a) Amend the requirement for affordable housing provision on sites of between five and nine dwellings so that it applies only to designated rural areas (and those areas should be defined in the reasoned justification and/or on a map).
- b) Clarify that a review mechanism will not always be applicable if a lower provision of affordable housing is agreed.
- c) Refer to the objective of creating mixed and balanced communities if financial contributions are, exceptionally, to be accepted as an alternative to on-site provision of affordable housing.
- d) Clarification of the three references to First Homes.

### **SP24 Infrastructure requirements and delivery**

**AP35.** Council to propose a modification to policy SP24 to delete the first and final paragraphs and replace with the following first paragraph (or similar):  
“Development will be required to ensure the timely and coordinated delivery of necessary infrastructure, having regard to the latest version of the Council’s Infrastructure Delivery Plan, through proportionate financial contributions and/or on-site provision. Where necessary, the phasing of development will be linked to infrastructure provision”.

### **DM3 Health and wellbeing**

**AP36.** Council to propose a modification to policy DM3 to clarify:

- a) How development is expected to contribute towards the creation of healthy, inclusive and safe places having regard to NPPF 92.
- b) The circumstances in which the impact on health is likely to be significant in considering development proposals, for example due to the nature of the use proposed and/or its location in relation to other uses having regard to NPPF 185.

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<sup>1</sup> This is without prejudice to my further consideration of the five year supply at 2023 and at 2026 and modifications that I ultimately decide are necessary relating to that and revised NPPF paragraphs 69 and 77.

- c) When a proportionate health impact assessment will be required as part of a planning application having regard to Public Health England guidance<sup>2</sup>, for example because there is expected to be a significant impact on the health and wellbeing of the local population or particular groups within it<sup>3</sup>.

#### **DM4 Sustainable homes and businesses**

**AP37.** Council to propose a modification to policy DM4 and/or reasoned justification to include:

- a) Clarification of how the space heat demand target referred to in the second bullet point of part 1(A) may apply to different types of development, and how it relates to the energy efficiency target referred to in the first bullet point.
- b) Clarification of what is meant by “new residential refurbishment developments” in part B (eg changes of use to residential, refurbishment of existing residential properties, etc).
- c) Reference to updates to existing, or preparation of new, Supplementary Planning Document(s) to provide detail about how the requirement for financial contributions for carbon offsetting (and if necessary other parts of the policy) will be implemented. This should include an indication of when the SPD is expected to be adopted.

**AP38.** Council to prepare a note briefly clarifying how the costs associated with achieving net zero operational carbon emissions (regulated and unregulated) were factored into the viability evidence supporting the Plan. Specifically, how the costs of each of the requirements of policy DM4, as identified in Appendix G to the Evidence Report [CC1] (and any other relevant evidence in the examination library), are reflected in the build cost assumptions in the Viability Assessment [VIA1a].

#### **DM6 Water quality**

**AP39.** Council to propose a modification to the reasoned justification to policy DM6 to refer to recent legislation relating to water quality and nutrient pollution relevant to the River Lambourn including the Levelling Up and Regeneration Act 2023 and the Designation of Sensitive Catchment Areas Notice 2024.

#### **DM7 Water resources and waste water**

**AP40.** Council to propose a modification to policy DM7 to:

- a) Amend the first sentence to read “Development will be required to minimise water use by incorporating appropriate water efficiency and water recycling measures” (or similar).
- b) Delete or amend the requirements in parts (a) and (c) for development to demonstrate adequate water supply and waste/foul water treatment and disposal capacity<sup>4</sup>.

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<sup>2</sup> Footnote 39 in the Plan.

<sup>3</sup> PPG ID: 53-005-20190722.

<sup>4</sup> Unless this can be justified with reference to national planning policy and guidance along with specific evidence in the examination library relating to the effect of development proposed in the Plan on water supply and wastewater disposal capacity in West Berkshire.

- c) Delete the proposed modification to the penultimate paragraph relating to phasing conditions and the need for the development or expansion of water supply and wastewater facilities [EXAM23]<sup>5</sup>.

Consideration should also be given to whether consequential modifications are required to any other policies in the Plan including those relating to sites allocated for development.

### **DM15 Trees, woodlands and hedgerows**

**AP41.** Council to propose a modification to delete the third paragraph of policy DM15 or amend it to clarify the requirement relating to “protected trees, groups of trees, woodland or important hedgerows” and ensure consistency with national policy and guidance<sup>6</sup>. This should include consideration of whether the reference to “exceptional circumstances” is justified; whether “protected” applies to “groups of trees” and “woodlands” (as well as “trees”); what is meant by “important hedgerows”; and what is meant by “good practice recommendations”.

### **DM30 Residential space standards**

**AP42.** Council to provide the evidence on the size and type of dwellings currently being built in the area as referred to in paragraph 11.105 to demonstrate that the nationally described space standards are needed in West Berkshire.

### **DM31 Residential amenity**

**AP43.** Council to propose a modification to policy DM31 and reasoned justification to clarify the requirements relating to private amenity space (including balconies) and communal open space in flatted developments.

### **Policy DM41 Digital infrastructure**

**AP44.** Council to propose a modification to delete policy DM41 in its entirety<sup>7</sup> or clarify the second paragraph, part d, and the final paragraph so that it is evident how a decision maker should react to development proposals.

### **Policy DM42 Transport infrastructure**

**AP45.** Council to propose a modification to delete the last two sentences of the first paragraph of policy DM42 and insert the following (or similar): “Development will, where necessary, be required to make a proportionate contribution to the provision of or improvement to transport infrastructure including, where relevant, the following:”

### **DM44 and DM45 Parking and travel plans**

**AP46.** Council to propose modifications to policies DM44 and DM45 to

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<sup>5</sup> As footnote 4 above.

<sup>6</sup> Including PPG ID:36-089 to 091.

<sup>7</sup> Parts a, b and c are already proposed for deletion [EXAM23].

- a) Delete references to proposals being required to “be in accordance with” or “follow” the named guidance documents and replace with “have regard to” or “take account of”.
- b) Remove the duplication between the last section of policy DM44 and policy DM45 relating to travel plans, and amend the reference to “regular monitoring”.

### **Tilehurst settlement boundary**

**AP47.** Council to propose a change to the Policies Map to include the retail park north of M4 j12 in the Tilehurst settlement boundary.

### **Approximate number of dwellings referred to in RSA policies**

**AP48.** Council to propose a modification to paragraph 8.2 to replace the final three sentences with the following (or similar):  
“The approximate numbers are indicative, and actual numbers will be determined during the planning application process through detailed design work in accordance with the parameters set out below and other relevant policies, having regard to the particular characteristics of the site and its surroundings”.

### **RSA13 Land north of A4 Bath Road, Woolhampton**

**AP49.** Council to consider whether the requirements relating to an odour assessment and minerals resource assessment in parts j and k of policy RSA13 are justified and, if not, to propose a modification to amend or delete them.

### **RSA14 Lynch Lane, Lambourn**

**AP50.** Council to propose a modification to policy RSA14 to clarify the requirement in part h relating to the layout of development, Flood Zone 2 and the River Lambourn SSSI/SAC, in particular the references to 15m, 38m and 88m.

### **RSA17 Chieveley Glebe, Chieveley**

**AP51.** Council to amend the proposed modification to policy RSA17 [EXAM23] to clarify parts b and c relating to vehicular access, the provision of a footway fronting the site, and the retention and enhancement of the existing hedgerow. In so doing, it may be necessary to amend the five access points shown on the site plan.

### **RSA22 Station Road, Hermitage**

**AP52.** (a) Council to propose a modification to policy RSA20 and the site plan to reflect the statement of common ground published on 4 June 2024 [EXAM34]. In so doing the Council should consider further whether reference to “approximately 36 dwellings” is justified bearing in mind that public open space provision will be provided on the hatched area meaning that more than 75% of the remaining site area may be developable.

(b) Council to consider whether policies RSA20 and RSA21 need to be modified to clarify the relationship between the three allocations, including provision of and access to the public open space to be provided on the hatched area within RSA22.

## **PAN8 North of Pangbourne Hill**

**AP53.** Council to consider further whether its response to AP14 is justified in terms of the extent of the red line site shown on map 2 in EXAM26 Annex C and the capacity being limited to approximately 25 dwellings, having regard to the available evidence relating to landscape and access.

*William Fieldhouse*

10 June 2024