

Appeal Statement of Case

SayNoToSandleford (“snts”) Rule 6 (6) status



Town and Country Planning Act 1990

Section 78 appeal against the refusal of planning permission

Appeal: APP/W0340/W/20/3265460

Site: Sandleford Park, Newtown Road, Newbury

Proposal: Outline planning permission for up to 1,000 new homes; an 80 extra care housing units (Use Class C3) as part of the affordable housing provision; a new 2 form entry primary school (D1); expansion land for Park House Academy School; a local centre to comprise flexible commercial floorspace (A1-A5 up to 2,150 sq m, B1a up to 200 sq m) and D1 use (up to 500sq m); the formation of new means of access onto Monks Lane; new open space including the laying out of a new country park; drainage infrastructure; walking and cycling infrastructure and other associated infrastructure works. Matters to be considered: Access.

Issued: 22nd March 2021

Appeal

Inquiry: Sitting Scheduled from 5 to 25 May 2021

snts

% 15 Essex Street

Newbury

Berkshire RG14 6QJ

T: 01635 550693

E: peter@saynotosandleford.org.uk

www.saynotosandleford.org.uk

In compiling this statement of case snts is cognisant of the Planning Inspector's desire to avoid unnecessary duplication between the various parties as such we have modelled our case on West Berkshire Council's Statement of Case dated 24th February 2021 using the same numbering system and headings. In effect we are piggy backing on their case which in large areas we agree with and support and have sought to comment only where our case seeks to expand on their statement or where our case diverges from theirs. Where we are in agreement or have nothing to add to their statement we have stated such.

We hope this is an acceptable way to proceed and will assist the Planning Inspector in structuring the hearing

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INTRODUCTION

- 1.1 This Statement of Case has been prepared by SayNotoSandleford (“snts”) a campaign group set up in 2010 in response to West Berkshire Council’s decision to prioritise the site of Sandleford as a strategic site for the allocation of up to 2,000 residential homes. The campaign group currently has 104 active members and during the deliberation of the Core Strategy amassed a local petition of 1,382 signatures opposed to the development of Sandleford which was handed to West Berkshire Council at their meeting of the 14th June 2012 along with two separate national online petitions with a combined total of over 14,000 signatures

Sandleford is a historic site in South Newbury that contains a number of ancient woodlands, a bio-diverse flood plain to the River Enborne and is adjacent to a number of sites of Special Scientific Interest to which it has been ecologically linked. In addition it is the setting of a parkland for the Grade II listed Sandleford Priory landscaped by Capability Brown some 300 years ago and borders the site of the First Battle of Newbury in 1643. However nationally and internationally it is probably best known as housing the warren in the opening chapters of Richard Adam’s (a former assistant secretary at the Ministry of Town and County Planning) much loved novel *Watership Down* from where the rabbits escape destruction by developers. The 40th anniversary of the book’s publication was marked by West Berkshire Council announcing fiction would become fact with the development of Sandleford as a strategic site for 2,000 homes.

The Statement of Case is in respect of an appeal lodged by Bloor Homes and Sandleford Farm Partnership (“the Appellant) with a start date of 20th January 2021, against the refusal of the planning application (Council reference 20/01238/OUTMAJ) at Sandleford Park, Newtown Road, Newbury dated 13th October 2020. Note we find the reference address slightly confusing and would be better stated as Monks Lane.

In following the schematic of West Berkshire Council’s (“WBC”) Statement of Case snts’s Statement of Case starts with a review of the Reasons for Refusal given by WBC as stated in their Appeal Statement of Case, a summary of our main Statement of Case and the arguments we would want to pursue in rejecting this appeal and then giving the detail of our argument again following the schematic of WBC’s Statement of Case, wherever possible avoiding duplicating their arguments but supplementing them where we think necessary and indicating where we diverge from them in making our Statement of Case. It concludes with our own statement where our arguments significantly diverge from WBC as to why not only should this appeal be refused but should go further and strike out Sandleford as a suitable site for residential development, and instruct WBC to conduct a review for suitable alternative sites to Sandleford.

REVIEW OF WBC REASONS FOR REFUSAL

- 1.1 We have nothing to add
- 1.2 We support WBC's decision to refuse the Appellant's planning application and would comment on their reasons as follows:

1 Comprehensive Development of the Site

We support the Council's position that the site needs a single holistic comprehensive plan for the development of the Sandford Park Strategic Allocation (SSSA") for residential development and would point out that the failure of the Appellant to provide this feeds into all aspects of the development including Hydrology where flows from Sandford Park West are excluded from the Brookbanks Conceptual Site Drainage Plan (LRM "Response to Comments for Consultees September 2020 Brookbanks Flood Risk Assessment and Drainage Strategy Appendix A) and Traffic Flows where bizarrely a third of the housing planned for the area from Sandford Park West are excluded from any of the assessments other than Case 1 where 100 homes are included (Appendix 3 of same document *wyg Air Quality Technical Note September 2020 4.3.3*)

The site was promoted as a single site when proposed under the Core Strategy review and was one of the reasons the Planning Inspector ruled the Core Strategy sound when he conducted his extensive review of the selection of Sandford as a Strategic Site where he states that long term planning for the development of the whole site "has the benefit of ensuring that the optimum approach to development in this area is achieved, rather than the development taking place over time in a series of smaller proposals resulting in a more piecemeal approach"(Planning Inspectors Report July 2012 Para 88). However the two developers failure to be able to jointly present an agreed outline plan is a worrying indication of future potential problems and has resulted in Bloor Homes putting in this standalone application that results in unnecessary mitigation measures that would not be necessary if the site was developed as a whole. Moreover we would argue that had this risk been identified at the time of the Core Strategy Review it would have tilted the selection of a strategic site towards one of the alternative sites.

We would also point that out the outline plans in Bloor Homes application show a completely different configuration for Sandford Park West from the one actually submitted by Donnington New Homes in their application 18/00828/OUTMAJ

2 Strategic Landscape and Green Infrastructure

We support the contention that the piecemeal approach represented by the Appellant's application has led to unwarranted mitigation measures that are harmful to the character of the landscape and pose a threat to the protected habitats within the site, at that moreover it goes against the approach that had been put forward to the Planning Inspeotr

3 Landscape and Visual Impact Assessment

We endorse all the WBC has to say in this section but in particular:

"The proposals fail to take account of key characteristics and special features, which are sensitive and form highly valued components in this complex landscape and they will result in an unacceptable level of harm, with significant impact on the landscape character and visual resources. The application proposals fail to protect or enhance a valued landscape, as set out in NPPF paragraph 170, which also recognises the intrinsic character and beauty of the countryside, including the benefits of trees and woodland."

However we would especially stress that the proposed 15m buffers (less in some instances) to the five identified Ancient Woodlands, and (with a sixth possible Ancient

Woodland in Brick Kiln Copse identified by the Woodland Trust) are totally inadequate to ensure harm to these precious natural resources are avoided. We also have concerns that the proposed SuDS are inadequate to avoid run off to the River Enborne given they have not taken into account the run off from Sandleford Park West and the potential harm they pose to the ancient woodlands given their close proximity.

Moreover we recognise that for the overall scheme to work it needs both east and west exit routes rather than reliant purely on northerly exit points to Monks Lane as was the original scheme put before the Planning Inspector when examining the Core Strategy in 2010-2012. The potential for an eastern exit route was recognised by the team working on the proposal (Site Sponsors and Council Officers) in a Master Planning meeting held on 30th March 2010 where WYG “confirmed that they would keep it as an option and explained why it is not shown in the current draft plans for the site” (*Minutes Sandleford Masterplanning Meeting 30th march 2010 10:30 - 13:00*) While the minutes inexplicably do not provide what the explanation was WBC officer Lix Alexander went on to state “we would need to be clear on deliverability of the site and not flag up options where there were clear concerns over them being realistically delivered.”

As such the site sponsors knew from the outset that an east exit route to the A339 was more than desirable as far as WBC were concerned, however the route chosen poses irreparable harm through pollution to three ancient woodlands: Crook’s Copse, Slockett’s Copse and High Wood, and we are concerned for Barn Copse and Dirty Ground Copse that the proposed Valley Crossing intersects. Moreover to the south the route runs alongside a newly built primary school and its playing fields (High Wood School) posing air pollution risks to the children and staff at that school in addition to providing disruption to a special needs school for autistic children to the north of the route.

The proposed western exit along Warren Road was one of the most contentious points considered in the Planning Inspector’s examination of the Core Strategy in 2010-12 but he found the strategy sound on the basis that this route would be a sustainable link for buses, cycles and pedestrians only as put forward by the site sponsors (*Planning Inspectors Report Para 97 and 100*). It is now recognised that for site permeability that there needs to be an all vehicular western exit route but this application sidesteps this issue by not including it in their site plan. And yet plans for the widening of Warren Road to accommodate Sandleford Park West and to provide a route to Development Parcel Central (“DPC”) would also change the landscape and require the removal of veteran trees where bat roosts have been identified. Indeed the developers’ whole approach to Warren Road is worrying in that as identified in the planning history they have repeatedly put in separate applications for improvements to Warren Road rather than including it in a holistic and comprehensive plan for the whole area so that the plans for the whole site can be properly scrutinised in its entirety.

We would also note that under the current Local Plan Review, which for the purposes of this application carries little weight, there is a worrying trend from WBC to change policy to meet the problems thrown up by the selection of Sandleford as a Strategic Site as opposed to ensuring that existing policies, as found sound by the Planning Inspector’s review of the Core Strategy, are upheld and getting the developers to comply with them moving forward (eg deletion of GS1 from the HSA DPD which requires the allocated site to be master planned and delivered as a whole and SP16 that opens the gateway for Warren Road to be an all vehicular access route).

4 Affordable Housing

We have nothing to add to WBC statement

5 Sustainable Development and Renewables

We fully endorse WBC's position that this application fails to deliver towards the district goals of a carbon neutral future failing to take advantage of the southern aspect of the site for use of solar and thermal panels and building to a standard that minimises heating requirements for these new homes. It is a point we made repeatedly to the early iterations of the Appellant's plans that they have consistently ignored.

We note the recent rejection of the Wasing Estate application on appeal where the Planning Inspector stated "I acknowledge that the appeal scheme would result in benefits for the rural economy, the development of previously developed land and the re-use of two non-designated heritage assets. However these matters are insufficient to outweigh the harm which would result from the carbon emissions derived from the increase in vehicle trips resulting from this proposal."

This onus of being carbon neutral was placed on a small rural business venture; the impact of this development of 1500 homes on both the 2015 Paris Climate Accord and WBC 2019 declaration of a climate emergency and for the district to be carbon neutral by 2030, is significantly greater and the opportunity, if it were to go ahead to make this an exemplar development looking to the future should not be wasted.

Instead what the Appellant has provided is a template development that you find they are building up and down the country being helicoptered in to a complex site without regard to the needs of the environment in the 21st Century or the local community and encasing valuable ancient woodlands in concrete. Whilst such an approach may have advantages of economy of scale, it is to the detriment of distinctive character of any one town.

6 DPC, Emergency Access and Central Valley Crossing

We agree with WBC assessment that by providing only a partial development proposal rather than a whole site proposal has resulted in unnecessary and harmful mitigation measures including the unnecessary widening of the PROW and the detriment this has to the character of an ancient right of way as well as to the Capability Brown landscape to Sandleford Priory, and the unnecessary widening of the valley crossing to the detriment of this sensitive marshland valley and its rush pasture that is of county importance.

However we would go further to state that the phasing of the development is completely wrong where the developers propose to build outside in meaning that the early adopters of the development will be plagued with years of construction traffic going past their doors and the pollution associated with that especially on pedestrians going to and from school. It would be better to build inside out which also would guarantee that the requisite infrastructure including the expensive valley crossing are delivered and that the community hub is available from the outset rather than from Year 6 onwards. This approach would require an access route to the West from the outset and would mean they could not avoid the controversial decision and scrutiny of the route to the A343/ Andover Road.

We would want to see this application considered as a whole with a plan to deliver on the undertakings made to the previous Planning Inspector that Warren Road, if used would be a sustainable link only not open to general traffic. Otherwise an alternative all vehicular access road to the west has to be found. To leave this decision as a reserved matter is not acceptable. It should be noted that in the Planning Inspectors report that he specifically asked for the wording on what was then CS4 to be modified to make the policy sound and we quote MM 5.6 in full:

MM5.6

“Amend policy as follows:

Within the area identified at Sandlesford Park, a sustainable and high quality mixed use development will be delivered including in accordance with the following parameters:

- Phased delivery of up to 2,000 dwellings, of which at least 40% will be affordable and with an emphasis on family housing. Approximately At least half the housing is planned to be delivered by 2026;
- Development to be limited to the north and west of the site in order to respect the landscape sensitivity of the wider site and to protect the historic landscape of Sandlesford Priory and the surrounding historic parkland.
- Residential densities on the site to be in an average range of between 30 and 50 dwellings per hectare to reflect the predominant mix of family sized homes;
- Generation of on-site renewable energy.
- Two vehicular accesses will be provided off Monks Lane with an additional sustainable transport link for pedestrians, cyclists and buses provided from Warren Road onto the Andover Road;
- Further infrastructure improvements will be delivered in accordance with the Infrastructure Delivery Plan. Any infrastructure needs which are critical to the delivery of the site are set out in Appendix Cii
- Social and physical infrastructure (including provision for a new primary school and extension of Park House School);
- Measures to mitigate the impact of development on the road network;
- ~~Measures to improve accessibility by non-car transport modes particularly to Newbury town centre and along the A339 route to Basingstoke;~~
- Provision of a new primary school on site and the extension of Park House School
- Provision for retail facilities in the form of a local centre and business employment;
- A network of green infrastructure to be provided which will:
 - conserve the areas of ancient woodland and provide appropriate buffers between the development and the ancient woodland;
 - mitigate the increased recreational pressure on nearby sensitive wildlife sites, secure strategic biodiversity enhancements;
 - provide a country park or equivalent area of public open space in the southern part of the site; and
 - respect the landscape significance of the site on the A339 approach road into Newbury.”

(source: *Public reports pack 16072012 1900 Council.pdf*)

- i) We note WBC mentioning “The proposed central valley crossing embankment would also introduce an unacceptable and unnecessary obstacle to the proposed pedestrian and cycle routes running along the two sides of the central valley, which seek to connect the country parkland and the whole of the SSSA to the Rugby Club site to the north”

We would however point out that the Rugby Club is a private members club that own the freehold to their land and that the Club have had no discussions with Bloor Homes or WBC about providing access through the club and that such a request is likely to be refused on security grounds but also on H&S grounds to prevent dogs roaming and fouling the pitches with accompanying risks of introducing parasites to players.

- ii) We share the concerns of widening the PROW on the landscape of the area and potential harm to another ancient woodland Waterleaze Copse

7 The A34

(Council not pursuing this reason for refusal)

As local residents we have grave concerns about the traffic impact of the whole development but in particular the A34/A343 junction with its short slip roads. The presence of more traffic movements at this junction in conjunction with its use by HGVs is an accident waiting to happen without substantial upgrades to the slip roads in terms of length and improved visibility lines.

We believe that the traffic modelling used to justify the lack of mitigation in certain instances is based on 2018 data that is out of date and fails to take into account: the development of 500 homes on Sandford Park West; an 80 bed care facility that has opened in the Rugby Club former grounds off Monks Lane; a major Lidl store that has opened in the Retail Park the other side of the A339; and the major developments taking place on the northern edges of towns to the South of Newbury in particular:

- 3,500 homes at Manydown, Basingstoke (A339),
- 2,500 Homes at East Anton, Andover (A343)
- 2,000 homes at Kings Barton, Winchester (A34)
-

all of which are on approach roads towards South Newbury and would have a bearing on the traffic levels coming in and going out of the area.

In this regard we would note the Wealden Judgement (February 2017) which ruled in favour of Wealden District Council that a neighbouring Local Authority had failed to take into account in-combination effects from developments in the protection of the Ashdown Forest Special Area of Conservation in the development of its Local Plan

Moreover the traffic impact assessment does not make allowances for the impact of Covid on the uptake of public transport where a recent ONS survey indicated 38% of adults would avoid crowded spaces once lockdown measures were lifted (source *ONS Opinions and Lifestyle Survey March 2021*). We cannot be sure of the long term affect of this however we have to assume that any measures to encourage the use of public transport are going to be limited unless they offer a fast direct route to people’s end destinations (ie not diversions of existing meandering routes).

8 Ancient Woodlands

We share all of WBC’s concerns about this development and its impact on the six Ancient Woodlands in the vicinity five of which are directly impacted by the development build. The application pays lip service to the need to protect this scarce resource that is recognised as such in the NPPF and highlighted in the Inspector’s Report. As a major development we would have anticipated far more significant buffers for the residential components and avoidance by major access routes.

However there is an in-built conflict here in terms of having sufficient permeability through the site for traffic and pedestrian management and the need to protect this natural resource and this conflict of interest is shown in several of the design components. Crook Copse recognised by the developers own ecologist as the most ecologically important of the woodlands in terms of biodiversity is totally encased on three sides by residential development and has a major access road to the west and south. The southern access route is stipulated by WBC as it is recognised that having only two access routes to the north to Monks Lane could not be sustained by that road without considerable knock on effects to the rest of the town. And yet international studies have shown that the pollution effects of such roads can be measured over 200m into a woodland with demonstrable effects on the fauna the woodland is able to support.

9 Impact on and Loss of Ancient, Veteran and TPO Trees

We would support all of the points raised by WBC but would go on to point out that these are all factors that the developers and site sponsors have known about from the outset but they have shown neglect of the entire area's natural biodiversity by enabling pheasant shoots in all the ancient woodlands including in recent years Crook's Copse in addition to a complete lack of management of the woodlands to their detriment.

We do not believe it is possible to mitigate the impact of this scheme on the Ancient Woodlands, provide permeability and provide anywhere like the number of houses proposed. Because of these conflicts we think it is demonstrable through the 8 years of effort since it became SSSA that this site that is unsuitable for development, and instead should be considered as a site for the Government's ambitious tree planting programme to enhance the ancient woodlands that form such an important component of the site.

10 Education Land

We support WBC's arguments in relation to the proposed land for an extension to Park House School.

However we would go further to point out that all primary school provision for both this application and the one for Sandford Park West places the primary schools on the major access routes to and from the development. It is anticipated that students will primarily walk or cycle to and from school, indeed it is one of the boasts of sustainability but by positioning the schools where they have they are exposing young families and their carers to the most harmful of air pollution from morning rush hour traffic.

Even with the move to electric vehicles it is now recognised that particles from brake dust (more prevalent with electric cars because of the heavier vehicles and the general public's penchant for SUVs) and tyre particles are detrimental to young peoples health and are increasingly linked to the rise in numbers of asthma sufferers. As such on this basis alone the application should be refused until more appropriate locations for the primary schools can be found that take them away from the main access routes.

However it should be noted that the proposed link to the A339 will take vehicles exiting and accessing the development from this route directly pass the newly built High Wood Primary School to the south, built with the car in mind as a kiss and drop school. The play area to this school will run along the side of the proposed access route to the A339 as well as near to a specialist school for autistic children to the north of the route. This exposes some of the most vulnerable in our society to an unacceptably high level of air pollution and to actually design this in to a new build scheme with the knowledge we now have could be considered to be criminally negligent and so the application should be refused until a suitable route to the east can be found.

11 Ecology

(Council not pursuing this reason for refusal?)

We are slightly confused by WBC's stance on this as in their Statement of Case (1.5iii) they seem to imply that they are withdrawing their refusal on Ecology grounds but then go on to justify their refusal. We suspect either the paragraph stating this was miswritten or subject to a typo.

We would endorse all of the comments made by WBC however planning language can make these subjects very dry and miss the essence of why some of these matters are of great importance both to current and future generations.

With the year we have just endured where due to the pandemic many of us have been confined to our homes for long stretches of time the importance of our green wild spaces has never been more apparent. The presence of skylarks and lapwings in the fields and valleys of Sandlesford, as well as being protected species are a source of delight to all walkers along the footpath. In spring hares are seen in abundance (in spite of being scared out of their habitats by the pheasant shoots over winter months) as is the sight of roe and muntjack deer. Seeing the woodlands in the summer months at dusk sees dozens of bats leaving their woodland roosts.

This is what the ancient woodlands currently provide those fortunate enough to live within walking distance of this area and it is what the WBC ecological objections seek to preserve. The ecology of this area will forever be damaged not just by the presence of so many homes but by the accompanying inhabitants that come with the home owners - their dogs and cats. There is nothing in the Appellant's plans which go anywhere near to mitigating these impacts and with putting the minimum buffers in place that they think they can get away with they are ensuring that these ecological biodiverse areas will become barren wastelands supporting trees but little else.

12 Impact on SACs

We have nothing to add to WBC comments

13 Drainage /Sustainable Drainage Systems

(Council not pursuing this reason for refusal in relation to interrelationship between sites)

We would echo WBC concerns and in particular would point out that the failure to produce one comprehensive plan for the whole site means that the drainage strategy has been put forward without consideration of the development of Sandlesford Park West which would have a direct impact on Detention Basin A and we are concerned about the proximity of the Basins in the north valley, their proximity to the ancient woodlands with potential degradation of said woodlands and their impact on a tributary to the River Enborne.

14 Infrastructure provision and Planning Obligation(s)

We have nothing to add to WBC comments

snts STATEMENT OF CASE

1 Outline

Again we have followed WBC's convention in our Statement of Case, however we differ from WBC in one key aspect.

In summary we believe the Appellant's Appeal should be turned down on the following grounds:

- Non compliance with the NPPF as amended in Feb 2019 in terms of Ancient Woodlands and Protected Habitats (175c)
- Non compliance with WBC Core Strategy as adopted July 2012 and the SPD as amended 2015 (CS3) in terms of delivery of one holistic comprehensive plan for the whole site
- Non compliance with the undertakings given to the Planning Inspector during his examination of WBC 2006-26 Core Strategy in the hearings conducted 2010-12 in relation to Warren Road being a sustainable link and Newbury Rugby Football Ground receiving compensation for loss of pitch (*Inspectors Report July 2012 note 97 and 108 and MM5.6*)
- Endangering the welfare of children through the siting of the main access routes adjacent to primary schools with the resultant traffic pollution that parents and their young children will face on their way to school

In addition we will be presenting arguments where the gross overpromising by the site sponsors on:

- the protection afforded to the Ancient Woodlands;
- timetable of delivery;
- provision of a sustainable transport link to the A343 Andover Road; and
- number of houses that can be delivered

has undermined the credibility of not only the planning process by which Sandleford was selected as a strategic site, but also risks the reputational damage to the Planning Inspectorate in enabling them to find WBC 2006-2026 Core Strategy sound based on information provided by the site sponsors to WBC and the Planning Inspector.

Finally we will be arguing that the incompatible demands of the site in terms of preserving protected habitats, providing permeability for transport and pedestrians and safeguarding our children makes the site inappropriate for a residential development of this scale and as such not only should the appeal be refused but the site taken off the list of sites for development. We will argue that this will have no immediate impact on WBC as Sandleford no longer features in the 5 year supply of new housing and the reduced number of houses that can now be delivered by the site can be found elsewhere in the district.

We would note that the policy of urban extension is now 25 years old and will encompass not just Newbury Race Course (1500 homes) and North Newbury (400+ homes), both of which planning has been granted and construction underway (the latter being one of the alternative sites considered to Sandleford), but under the Local Plan Review the third short listed site, Thatcham Siege Cross, is recommended for development of 2,500 homes. As such we believe that the policy of urban extension has run its course and alternative sites to deliver WBC housing requirements should be found rather than building on one of the few green field sites readily accessible to Newbury residents.

Our Statement of Case resumes with the numbering scheme of WBC Statement of Case

2 Appeal Site and Proposal

2.1 The Appeal Site

Sandleford is a historic site in South Newbury that contains a number of ancient woodlands, a bio-diverse flood plain to the River Enborne and is adjacent to a number of sites of Special Scientific Interest to which it has been ecologically linked. In addition it is the setting of a parkland for the Grade II listed Sandleford Priory landscaped by Capability Brown some 300 years ago and borders the site of the First Battle of Newbury in 1643. However nationally and internationally it is probably best known as housing the warren in the opening chapters of Richard Adams' much loved novel *Watership Down* from where the rabbits escape destruction by developers. It is worth noting that Richard Adams, a former Assistant Secretary at the Ministry of Town and County Planning, on learning of the plans to develop Sandleford said:

"I speak from experience in these matters, too. For 20 years, I was employed as assistant secretary at the Ministry of Town and County Planning, and can assure you that most local authorities make a careful survey of their area before coming up with a housing policy. In this case, however, West Berkshire have not made a careful survey; they have merely made a short-term decision to dump a piece of open countryside. It makes me so angry, I have to fight hard to keep a curb on my emotions."

2.2 Relevant Planning History

We would add to WBC's Table 2.1 of the relevant planning history of the site, the following in terms of the history of WBC's policy towards the site:

DATE	POLICY PROPOSAL/EVENT
Late 1990s - 2000	Proposal to develop the eastern side of Sandleford in the Newbury District Local Plan as a standalone village rejected by the Planning Inspector in 2000 as it would have a substantial impact on an important Capability Brown heritage landscape.
2005	A consultation on how to deliver WBC's housing quota to feed into the 2006-2026 Core Strategy favours building through Urban Extension in an exercise that garnered some 50 responses primarily from individuals/ companies with connections to the property industry
2006-10	WBC goes through several iterations to identify suitable sites to be considered for urban extension. The Racecourse was earmarked early on as a suitable site for 1500 homes given its good location and connectivity to the railway network and proximity to the town centre. Of 13 other sites initially identified Sandleford is ranked 13th largely due to the centre of the site being considered to far out from the town centre to be considered a sustainable option for an urban extension

DATE	POLICY PROPOSAL/EVENT
2009-10	<p>In a process that still leaves most laymen bemused Sandleford becomes the most favoured site for a major housing development over North Newbury and Thatcham Siege Cross. It became eligible for consideration through “development” of the selection criteria and the fact that the centre of the site was reviewed and adjusted so that it lay within 2km of the town centre as the crow flies.</p> <p>In consideration of the short list of three Sandleford is favoured over Siege Cross because it was considered that Thatcham was already overdeveloped and needed a period of time for infrastructure to catch up, whilst in a marginal call over North Newbury Sandleford was preferred because the site sponsors claimed the site would deliver up to 2,000 homes which was twice the number proposed by the sponsors of North Newbury.</p>
2010	Core Strategy goes out for consultation with Sandleford being named a Strategic Site Allocation under CS4 with the promise to deliver 100 homes per annum from 2016 onwards.
2010	<p>SayNoToSandleford is launched as a campaign group to oppose the development of Sandleford and to challenge the Council on how its selection criteria propelled Sandleford from 13th to 1st position. Key concerns of the Campaign Group were:</p> <ul style="list-style-type: none"> • Protection of the Ancient Woodlands and other important habitats on the site. • Impact of the traffic generated from the development on an already congested south Newbury road network • The use of Warren Road as an access point to the development from Andover Road/A343 given its heavy use by school children in the area from both the 2 local schools in close proximity to the junction but also St Bartholomew’s Secondary School and John Rankine Infant and Junior Schools both within walking distance of the area. This busy pedestrian scene is compounded by traffic generated by the proximity of two churches, two community halls, a local mini theatre and a garage and then local store (now Sainsbury mini store) popular with school children on school breaks as well as the close proximity of the Monument Retail stores.
2010/12	The Core Strategy goes to the Planning Inspectorate for examination. The Planning Inspector puts it back to the Council on several occasions to get clarification on the the selection criteria used and why Sandleford was the preferred choice having now got national attention due to its association with the novel Watership Down. This culminates in a 5 day hearing in May 2012 which is predominantly dedicated to an examination of the then4 (now CS3) and the promotion of Sandleford.
July 2012	The Planning Inspector finds the Core Strategy, including CS4 sound on the basis that it was deliverable with two all vehicular access points to the North to Monks Lane and a sustainable link to the West via Warren Road although he noted alternative access points could be explored under the IDP. He also overruled objections in relation to the lack of consultation with Sport England on the loss of a playing pitch at the Rugby Club on the undertaking from the site sponsors that in addition to financial compensation land compensation would be provided to allow the club to reinstate a full pitch if required to do so.
16th July 2012	At a fractious West Berkshire Extraordinary Council Meeting the Core Strategy for 2006 to 2026 is adopted with the inclusion of now CS3 covering the SSSA. The vote for adoption goes down party lines.

DATE	POLICY PROPOSAL/EVENT
16th October 2012	West Berkshire Council with the site sponsors hold a stakeholders meeting of all parties affected by Sandleford including snts with a promise to work with the community to deliver an exemplar development. It is the only such meeting held.
2013 onwards	The Planning History as laid out in WBC Statement of case Table 2.1 is accurate. The only thing we would add is that there have been two board consultations by Bloor Homes where they presented their proposals at the Newbury Rugby Club and one Board consultation by Donnington New Homes on their proposal for Sandleford Park West including two options for the treatment of Warren Road as an all vehicular access route.
September 2016	Sandleford Park Partnership/Bloor Homes fence off the corner of a playing field they acquired from the Rugby Club to deliver their plans for Sandleford. They did not consult Sport England or apply for a change of land use as a result of which the Rugby Club has been deprived the use of a full rugby pitch for nearly 5 years. Both Sport England and WBC stated they had no powers to intervene.

3 Planning Policy

- 3.1 “Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”

We believe that treatment of ancient woodlands as amended in the NPPF is a material consideration that was not manifest at the time the Site was selected as Sandleford Strategic Site Allocation (SSSA)

Material Consideration is also the Planning Inspector’s report dated 3rd July 2012 and the amendments it demanded to make the 2006-2026 sound.

We also note para 6 of the NPPF which states: *“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”*

3.2-3.12 We have nothing to add to WBC’s comments

- 3.13 It is noted in the current Local Plan Review that under Policy SP16 the Council has put out to consultation a proposal to override the current SPD as amended whereby they would accept two separate applications for Sandleford. Local representation and Town Council have raised objections to this proposal for the very reasons cited in the Council’s Statement of case for a single application covering the whole site so that the requisite infrastructure can be delivered in a holistic and timely fashion. It is also noted that this revision of policy goes directly against the Planning Inspector’s required changes under to make WBC Core Strategy 2206-2026 sound.

4 Principle of Development

We have nothing to add to WBC comments

5 Main Issues

We have nothing to add to WBC other than the arguments stated in 1 Outline above.

6. Landscape, Character and Visual Impact

6.1 We have nothing to add to WBC comments

6.2 We have nothing to add to WBC comments

6.3 We have nothing to add to WBC comments however note point viii) in terms of inconsistencies in the proposals but also note that there are contradictions in the mitigation sought from different aspects of the council officers responses that emphasise the unsuitability of this landscape for development.

6.4 We have nothing to add

6.5 We have nothing to add

7 Trees and Woodlands

7.1 We note the comment that the site's Ancient Woodlands are Ancient Semi-Natural Woodland (ASNW) that are a rare and irreplaceable resource, of not just local, but also of national importance.

7.2-7.5 We have nothing to add

7.6 i) we agree that the isolation of Crooks Copse, the most ancient indicator species diverse of the six Ancient Woodlands on site, is particularly damaging as it is surrounded by residential build and a main access route to the south and it puts this woodland at particular risk. We will be providing evidence as to the distance pollutants can travel into woodlands affecting the fauna therein

ii) "the proposed cycle path and footpath through Gorse Covert will have an unacceptable fragmenting effect on that woodland"

We will be providing evidence on the harmful impact woodland footpaths have in their direct vicinity and beyond

iii) we have nothing to add

iv) "some of the buffer zones are inadequate and the proposals indicate the likelihood of intrusive works within those areas. There is a need to provide wider buffer zones beyond the stated 15m width in particular areas and for all the buffer zones to be fully effective"

We will be arguing and presenting evidence that *all* of the buffer zones are inadequate for the protection of Ancient Woodlands and other protected habitats within the site.

v) and vi) we have nothing to add

7.7 i) we have nothing to add

ii) "the AIA shows the unacceptable and harmful loss of significant trees outside of the appeal site, but within the SSSA as part of the withdrawn proposal to potentially provide the access to the west"

There are inconsistencies between the Bloor Home proposals and Donnington New Homes that make it difficult to know exactly where the link between the sites will be or how such a link will impact on the surrounding woodlands. This again shows the importance of having one plan embracing the whole site.

iii) to vii) we have nothing to add

7.8 - 7.10 we have nothing to add

8 Drainage/Sustainable Drainage Systems (SuDS)

We have nothing to add to this section other than to agree that the basins in the northern valley threaten harm to the adjacent woodlands and Basin 1 does not appear to account for run off from Sandleford Park West.

9 Ecology

9.1-9.5 we have nothing to add

9.6 We would add that the habitats of Skylarks and Lapwings, both protected species prevalent in areas that are intended to be built upon, including Sandleford Park West, as well as other species such as hares, roe deer and muntjacks that are regularly seen in the vicinity.

9.7 We have nothing to add

10 Transport & Highway issues & Access to DPC

10.1 We concur with WBC statement but would add that the inconsistencies between Bloor Home and Donnington New Homes just adds to the concerns of this piecemeal approach that is prone to key bits of infrastructure not being delivered or “falling between the stones”. The approach also seeks to sideline the highly contentious issue of the western access to the site where Warren Road is almost universally opposed locally due to its location and proximity to a heavily pedestrian used area as well as busy traffic junction with the presence of two schools and a garage with a local Sainsburys as well as two well used community centres and a mini theatre.

This piecemeal approach has also been adopted in relation to Warren Road where Donnington New Homes have made several applications to widen and improve Warren Road without proof that they have any rights over the PROW that would be affected. These applications have sought to avoid the ecological surveys demanded of the more extensive Sandleford applications.

We would also point out that this piecemeal approach is also contrary to the assurances given to the Planning Inspector in his examination of the Core Strategy and that it was the opportunity for a holistic, comprehensive development that enabled him to declare the Core Strategy sound .

10.2 We agree with WBC that the Appellants proposal provides no western access without which unnecessary mitigation measures are required of the Appellant’s standalone application - such as the emergency access route along the footpath which would be highly detrimental to the character of the landscape and an overly sized central valley crossing which again would be detrimental to the fauna of a protected landscape.

We differ from WBC in that access to DPC via New Warren Farm and Warren Road to the A343/Andover Road creates more problems than it solves and would be detrimental in terms of pollution to the pedestrian users of the area. The proposal, as signed off by the Planning Inspector’s examination of the Core Strategy, was for Warren Road to be a sustainable link and the issue was thoroughly explored at the time of that hearing. This was the conclusion he came to in deciding that the Core Strategy was sound. It is why we believe there needs to be a single application for the whole site so that all matters relating to the site are considered and the most contentious areas dealt with satisfactorily before the applications are allowed to proceed.

10.3 We agree with WBC’s assessment that a development with just accesses to Monks Lane would be unacceptable in Highways terms and would create unacceptable levels of congestion at local and regional levels and that there needs to be an access route to the A339. However we also note that the proposed route to the A339 is unacceptable in

terms of the ecological impacts it would have and the pollution it would create for the Primary School that runs alongside it.

We don't believe this conundrum has a solution and is one of the reasons why we believe the site is unsuitable for development and why the initial hearing on the Core Strategy came to the wrong conclusion because the information then presented was that this was a scheme that could be delivered with just two entrances to the north and a sustainable link to the west.

10.4 - 10.6 We have nothing to add

10.7 "the Council's Highways Officer considers that accessing the appeal development solely through the two Monks Lane accesses, without the use of the A339 link road access, would be unacceptable in highways terms"

We agree with this analysis, but the proposed main access route to the A339 has major consequences in terms of ecological detriment to two ancient woodlands, one of major importance, as well as bringing pollution to an adjacent primary school and potential disruption to a specialist needs school.

10.8 We have nothing to add

10.9-10.11 We agree that the standalone application results in mitigation that would not be necessary if a single holistic and comprehensive plan for the entire site was presented.

However we would note that to date a satisfactory route to the west and the Andover/A343 has not yet been presented and although Warren Road is the Council's preferred route this has not gone out to consultation and is contrary to the undertakings given to the planning inspector at the time of the Core Strategy hearings when this access route was extensively discussed. The Planning Inspector listened to the concerns we put forward at the time but was given assurances that Warren Road could be delivered as a pedestrian/cycle/bus route only and therefore our concerns were overruled. By putting in this standalone application the appellant is attempting to bypass and distance themselves from an issue that they themselves have acknowledge is contentious.

For this reason alone the application should be refused as it is reliant on a satisfactory western access been found without which extensive mitigation measures are required that impact on the landscape and character of the area.

As such the application is not in accordance with CS3 which requires a sustainable transport link, including bus access to Andover Road to the west through Warren Road, but nor is the Council's and Donnington New Homes proposal to make this route all vehicular access.

10.12 We have nothing to add

11 Sustainable Development and Renewables

We endorse this section, the Appellants are seeking to helicopter in a template design that they use all over the country into an area that needs something different and that should be an exemplar development in tackling climate change through building well insulated homes and renewable energies that lead to a zero carbon footprint that helps WBC meet its aim under a declared climate emergency to achieve a district wide zero carbon footprint by 2030. We will give examples where other appeals have failed on this test. Moreover we believe that any development that does not meet this test would be subject to challenge in the High Court for failing to meet the UK's targets under the 2015 Paris climate accord.

Moreover recent ministerial announcements back up the Government's ambitious targets in this direction that this application fails to deliver upon.

We would only add that 11.11 builds on our objections to the very first scheme put forward by the appellants.

12 Education

12.1-12.2 we have nothing to add

12.3 We disagree with the Council that the proposed location of the fully funded primary school is acceptable. The school is positioned on one of the main proposed access routes to the development which means that parents with their young children will be fully exposed to the pollution affects of traffic at the morning rush hour. This is true for all schools in the area including the existing ones where they will all face pollution from the main access roads. Given what we now know about air pollution and its effect on developing children this is unacceptable.

Moreover the location of the school potentially prohibits the Appellant from honouring an undertaking given to the Planning Inspector under the 2006-2026 Core Strategy review that compensatory land would be provided for the loss of a pitch to the neighbouring rugby club if required. While we have seen some correspondence between WBC and Sport England in this regard we see nothing in these proposals that confirm that arrangement, nor whether such arrangement has been discussed with the Rugby Club in terms of delivery a full replacement pitch. It should be noted that the Appellants fenced off the land they required from the Rugby Club in 2016 meaning that for five years the club has been deprived of a full playing pitch whilst watching their former pitch turn to scrubland with no compensation from the Appellants and no agreement on the change of use of the playing field.

12.4-12.9 we have nothing to add

13 Affordable Housing

WBC's concerns are noted but we have nothing to add to this section

14 Infrastructure Provision and Planning Obligations

14.1 It is not clear how the application develops a cycle network into the town centre. Monks Lane has a pathway that is designated a shared pedestrian path cycle path but at key points the width falls below 1m making it inappropriate for such a designation. There needs to be a usable cycleway from the development to the railway station and town centre that takes into account the long incline to get back up to the development.

Under current proposals it is unlikely that the majority of residents would use bicycles in preference to motorised transport which makes us sceptical of the assumptions behind peak time traffic modelling.

It is also noted that while for the purpose of the selection criteria used to choose Sandleford as a strategic site the centre of the site was deemed to be within 2km of the town centre, in terms of real travel distances the nearest entrance proposed to the railway station (from Monks Lane) is just under 2km and more than 2.5km from the town centre. As such most of the site lies beyond what planners deem acceptable distances to encourage sustainable forms of transport. We believe this has not been fed into the assumptions behind the traffic modelling.

I t is also noted that in a recent survey of 4,500 adults by the ONS indicated that post Covid 38% of adults would avoid crowded places. While it is impossible to know the longevity of this affect it is likely that it will have a material impact on the uptake of public transport resulting in a higher use of private transport and more travel journeys than current modelling allows (source *ONS Opinions and Lifestyle Survey March 2021*)

14.2 we have nothing to add

15 Comprehensive Development of the Site

15.1 We would emphasise “the refused appeal proposal of piecemeal development of only part of the SSSA gives rise to and includes duplicating and unnecessary elements and mitigation, which do not make sense, detract from and / or are harmful to interests of acknowledged importance and have adverse unintended consequences. These matters are also raised in relation to specific areas of assessment and other reasons for refusal, and form a pattern and theme, which permeate the appeal proposal and amplify the potential adverse impacts, the uncertainty and the lack of confidence in respect of the comprehensive development of the SSSA.”

We would also add it is counter to what enabled the Planning Inspector to find the 2006-2026 Core Strategy sound

15.2 We have nothing to add

16 Planning Balance

16.1 to 16.5 We would note that these supposed benefits would be delivered where ever this housing is built and therefore do not carry weight in comparison to the irreparable harm that will be done to a scarce resource recognised as precious within the NPPF

16.6 to 16.10 we have nothing to add

16.11 We disagree with the Council appraisal, this development will have a negative impact on a special landscape with many important natural features as well as a negative impact on a Capability Brown landscape through an unnecessary widening and grasscreting the PROW.

16.12 It is hard to see how causing irreparable harm to a precious and protected natural resource can be considered as public benefits and set against the low level of harm to the significance of the heritage assets.

16.13 We believe that the Core Strategy is in fact unsound as the examination was based on a number of assumptions/statements that have proven to be wrong. We will list where the proposals fall short of the criteria used to select Sandleford as a Strategic Site and falls short of the information provided to the Planning Inspector that enabled him to find the strategy sound. As such the development for residential purposes should be objected to in principle

16.14 to 16.24 we have nothing to add

17 Wheatcroft Proposals and s.106 Unilateral Undertaking

17.1-17.2 we have nothing to add at this stage

18 Witness topics

At this stage we have nothing to add however we reserve the right to introduce up to two witnesses to cover:

- i) the importance of buffers in the protection of protected habitats
- ii) the impact of air pollution on the health and development of young people

dependent on whether it would be deemed useful in addition to our proof of evidence

19 Documents/Core Documents

We will provide a list of documents with our proof of evidence

20 Suggested List of Conditions

We have nothing to add at this stage but reserve the right to recommend conditions as the process unfolds.

CONCLUSION

It is our contention that a development of this scale with the necessary infrastructure to ensure it works for the inhabitants of the development is incompatible with the obligations to preserve our ancient woodlands and protected habitats and ensure that it works with the existing inhabitants of the surrounding area and beyond. On this ground alone we believe not only that this appeal be refused but the site in its entirety ruled out for future development and instead should be put forward for the Government's ambitious plans for planting new trees to combat climate change.

The previous decision to find the Core Strategy sound by the Planning Inspector in 2012 was in the case of CS3 based on information that has subsequently been found to be false.

These inherent contradictions resulting from conflicting requirements are inevitable in a site that has a complex topography and resultant fauna. It is why the site cannot support anything like the scale of housing proposed where the Appellant's current proposals threaten to surround the ancient woodlands in a wall of concrete and is why snts believe it should be eliminated as a site suitable for development.

We would point out that despite Sandleford forming a core component of West Berkshires 2006-2026 Core Strategy with an expectation that it would deliver 1,000 homes by 2026, it no longer features in the Council's five year housing supply, and with far more sustainable sites such as the proposal for 402 units in the old Kennet Centre and the build out of 400 homes in North Newbury the Council has time to find suitable alternatives for what would be far fewer homes than the headline numbers for Sandleford suggest.