

The Last Hearings – a Lib Dem Perspective by Tony Vickers

The Inspector had two agendas: (1) Does the Updated Sustainability Appraisal/ Strategic Environmental Assessment (SA/SEA) report by the Council address the 'regulatory failure' he identified last June and justify the selection of Sandleford as a strategic site? (2) Does the NPPF and Localism Act justify retaining the 10,500 total figure for the plan period or should the Council make provision for more homes?

Each agenda was supposed to be dealt with in a single day. However each over-ran and took up the whole of the allotted reserve time. I attended three (of 4) days last week and 2 hrs on Tuesday 22nd, when the Council answered several questions relating to Sandleford and our 'brownfield' alternative proposal.

These are the main points that struck me from these sessions but we'll have to wait for about 6 weeks to find out what the Inspector thinks. He'll give a more precise date for publication of his Report in about 10 days. [Bear in mind that I am not a planner and these are just my impressions.]

- QC acting for North Newbury (Vodafone area site) promoters was devastating. His main point was that the Council members were denied sight of his clients' evidence in response to the latest consultation which (he claimed) was clear evidence that the Council had no intention ever of properly re-assessing the merits of sites other than Sandleford.
- The Council had nothing new to say on this. They kept on about the Planning Task Group (of which I was the 'junior' Lib Dem member until a year ago) agreed to the change of scoring system. Yet they still claim that the original weighted scoring was not dropped but was "built upon". But their logic seemed utterly confusing to everyone else!
- The London Road Industrial Estate (LRIE) 'alternative strategic broad location on town centre periphery' seems to have the Inspector's serious attention. Key to this is whether a District-wide figure for office 'plot ratio' is 'appropriate', as the Council claims. Government guidance (which they themselves quote) gives a figure at least twice as high for 'town centre' office locations like LRIE – which would mean we need no more than about half the land for employment (in Newbury) that planners have reserved. The remaining employment land here could go for housing. The Council says LRIE is not strictly 'town centre', despite it having been added to the Newbury Vision 'red line' back in 2005.
- The Council have not denied that they knew about LRIE having housing potential in 2008, when the Core Strategy was being prepared. They have not explained why only Faraday Plaza was/is in their figures for potential new housing in the plan period.
- The Inspector believes he cannot, in his report, propose another strategic housing site instead of Sandleford. He certainly cannot impose one. He must however explain why he finds the Council's decision on Sandleford unsound (if he does) and should make recommendations as to how to remedy it.
- If the Inspector were to find the CS 'sound' and 'compliant', at least one promoter of another site said they will challenge the decision through the Courts. I'm not sure if the Council would be able to proceed to

adoption (and beyond – to next stage of LDF) until these legal processes run their course.

- There is some dispute as to the meaning of “persistent” in the phrase (from NPPF) “persistent under-delivery” (of housing). If West Berks is thought to be guilty of this, then we need a 20% (2000) “buffer” (additional number >10,500) of homes in our District CS. All the site promoters (except possibly Sandleford) say we are guilty.
- Irrespective of any “buffer”, if the Government revokes the Regional Spatial Strategy (RSS), as they have stated they intend to do – and Localism Act allows – then the “at least” (these words were added by Inspector last year) 10,500 figure could become 20,000+. As it is, “at least” generated debate about how high could the total go (without RSS revocation) before the Council could justify refusing a major planning application. The Inspector refused to state an upper figure.
- The Government itself has to comply with the same EU Directive as Councils on Strategic Environmental Assessments of its planning decisions. It has consulted on its SEA for the decision to revoke all RSSs. If it concludes that such a decision would conflict with the EU Directive (i.e. abandoning regional housing figures is ‘unsustainable’ and/or environmentally damaging) then it has a ‘get-out’ from this Tory policy of scrapping regional planning. [Lib Dems are strong supporters of regional government.] We may know this soon.
- The Council’s defence against attacks on the evidence base (being now 4+ years out of date) is that its CS includes a commitment to review evidence within 5 years. However others point out that much of the evidence requires collaboration with neighbouring authorities and doubt that there is capacity, desire or likelihood for this to happen.

Finally, what impression of the whole Core Strategy process am I left with? Tremendously stressful for the Council’s planners, very expensive for the Council’s taxpayers, you only have to witness the efforts that site promoters go to at a Hearing to realise how great is the potential for corruption. It is so hard to be objective about ‘sustainability’, when there are so many factors to take account of and such a complex inter-relationship between them. Often the evidence base is laughably poor – yet we’re told it is adequate for the purpose.

So I’m very keen to see a totally new system tried out: [Community Land Auctions](#). Instead of just being the Planning Authority, the Council would also be ‘market maker’. There would be no direct financial relationship between landowners and planners. The former would only be able to offer their land to the Council, using a ‘sealed bid’ auction process: land inside this ‘red line’ for n homes at £ x (with any conditions).

The Council would judge bids on ‘value for money’ basis as well as against their Local Plan policies – which would not be site specific but only deal in spatial areas: “Newbury”, “AONB” etc. Its selected sites would, in effect, be up for outline planning permission – subject to a consultation period.

After that period, the Council would hold a second auction, inviting developers to bid for the right to design and build out each site for a price. The difference between the price paid by the developer to the Council and the price paid by the Council to the landowner (a sum which currently almost all goes to the ‘site promoting’ consortium (landowner/developer) would now be retained by the Council. Council Tax could, it is said, reduce to almost zero!