

Response to NPPF published 27th March 2012

Peter Norman, Spokesman to campaign group who would like to participate in any discussion on matters raised by this submission

The Planning Inspector invited comments on the recently published NPPF as to whether it affected the soundness of West Berkshire Council's Core Strategy as approved for submission to the Planning Inspector at a Council Meeting dated 14th February 2012.

We believe that this document reinforces the contention that the Core Strategy is unsound in its present form and is non compliant with the NPPF. Whilst our main points are specifically directed to the inclusion of Sandleford as Strategic Site for the development of residential housing we also contend that the Core Strategy is now unsound in other areas as well.

The new NPPF is a document for economic development but also puts great emphasis on Sustainable Development which in the ministerial forward is defined as ensuring "that better lives for ourselves don't mean worse lives for future generations". This has to be at the heart of any core strategy going forward, one that is developed in conjunction with the community it is intended to serve. The intention behind the new NPPF is to allow "people and communities back into planning" something that has been distinctly lacking in development of West Berkshire's Core Strategy to date.

We have identified the following areas where the NPPF is problematic for the Core Strategy:

Clause 7: identifies three dimensions to the sustainable development: an economic, a social and an environmental role:

by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation - we don't believe Sandleford achieves this as it is in the wrong place.

by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being - again we don't believe Sandleford achieves this as it will be an isolated housing estate too far from the town centre.

contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy - again by building so far from the town centre, and the employment areas it is hard to see how Sandleford contributes to moving to a low carbon economy when the design and location of the estate is predicated on being able to use a car.

Clause 9 states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment. Sandleford currently offers tranquility to walkers in the area and a refuge for a rich and bio-diverse wildlife. It is hard to see how building 2,000 homes on such a site meets the objectives of this clause. It will certainly result in a net loss of bio-diversity in contravention of this clause.

Clause 14 stipulates that authorities should positively seek opportunities to meet the development needs of their area. We are not convinced that the process followed by West Berkshire in asking landowners what land they have for development is sufficient to meet this condition.

Clause 17 stipulates that under core planning principles that they should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Nothing under the process followed in developing the Core Strategy has empowered local people to be involved, and the Council has been negligent in informing local people of their proposals for Sandleford as was admitted by Hilary Cole, Executive Member, Environment & Culture, West Berkshire Council in a letter to the Newbury Weekly News dated 23rd February 2012:

"At last week's council meeting to finalise the Core Strategy submission to the inspector, the Liberal Democrat opposition made several well delivered if often inaccurate speeches. The two members of

Greenham, actually spoke out for the first time in council against the plans, and their leader Cllr Brooks, gave his usual booming amateur dramatist's performance; long on rhetoric and volume but short on content. It all begs the question of why now? Why didn't they say what they had to say in 2009. Or in January 2010 when the record shows they said nothing about Sandleford, a lot about rail links and Tourism and then voted "for" the Core Strategy.

The people of Greenham deserve better representation, not two councillors clearly idling on the job when it mattered in 2009. Their poor performance contrasts sharply with that of the Conservative Councillors in Tilehurst and Calcot and their fellow LibDem colleague in Theale, when threatened with the possibility of large scale developments and with my own recent involvement in the Stop the Incinerator campaign. And why did the LibDems in general not oppose the Core Strategy when it was in its development phases during 2008 and 2009? The answer is they supported it at that time. The documented minutes prove this and as a fellow member of the Planning Policy Task Group, I can confirm this to be the case"
We would add to this that neither did the Falkland Ward Councillors do anything to canvass their constituents on Sandleford. The tacit admission by Ms Cole is that the Council had no process of consulting its constituents but rather relied on the activities and vagaries of local councillors.

Clause 17 goes on to say that Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Our contention is that there was nothing objective in the selection of Sandleford but rather it arose as the preferred choice as a result of subjective test using bespoke criteria that are not recognised nationally.

contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value. Sandleford as an out of town urban extension at the top of a long rise is the worst location for a sustainable development that seeks to reduce pollution as it encourages/necessitates car use, and great cost to an environmentally rich area that is recognised as an important link to a number of SSSI sites on the borders of the area.

encourage the effective use of land by reusing land that has been previously developed (brownfield land) - our contention is that the Council is seeking to develop Sandleford before available brownfield land has been developed in contravention of the policy.

promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production. Sandleford would be almost exclusively residential in a development reminiscent of some of the worst of the 70s estates in terms of scale.

actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable - Sandleford does not meet this principle.

Clause 21 plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries; identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and facilitate flexible working practices such as the integration of residential and commercial uses within the same unit. It is difficult to see where the Core Strategy meets this objective and in particular with the selection of Sandleford as a strategic site.

Clause 22 Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Yet this is precisely what the Core Strategy does instead of releasing some inner town areas for mixed use development.

Clause 23 recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; it is difficult to see how Sandleford would contribute to the vitality of the town centre when the residents are so far removed from it.

Clause 30 support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport - Sandleford does not meet this criteria

Clause 31 Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development - West

Berkshire have singularly failed to consult neighbouring authorities on their plans which resulted in every Council south of Newbury (as well as Newbury Town Council) raising objections to the Core Strategy.

Clause 32 - West Berkshire's IDP as later amended by TA4 does not provide the infrastructure to deliver Sandford alongside the Racecourse development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. - Sandford would be prevented on these grounds.

Clause 34 Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised - Sandford fails on all these counts

Clause 37 Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities - Sandford would require car journeys for each of these activities and so fails to meet this objective.

Clause 38 For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site - Sandford when developed to 2,000 homes will represent the biggest ever single development in Newbury representing some 15% of existing housing stock - the site provides no opportunities for a mix of uses as envisioned under this clause.

Clause 47 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 - the Core Strategy is based on data that is now severely out of date and pre-dates the current recessionary climate. It is not evident that the Core Strategy is now based on data that makes sense for Newbury.

Clause 50 plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand - it is not evident that the Core Strategy will now achieve this as the data used is out of date.

Clause 51 They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate - it is not evident that the Council is doing this or that the Core Strategy recognises this.

Clause 69 Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. - The process of arriving at the Core Strategy has been deeply flawed and has singularly failed to create a shared vision with communities of the residential environment as evident by the petition of 750 signatories against the development of Pincet Hill and the currently 1,250 local signatories of a petition against Sandford. The Core Strategy is unsound on this one criteria alone. Indeed the Council deliberately chose not to send any representatives to the one public meeting held to discuss Sandford organised by Newbury Town Council at which 300 concerned residents attended in December of last year.

Clause 73 Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision - Sandford is predicated on the utilisation of part of an existing sports facility to deliver the land necessary for the housing scheme. Indeed without land currently used by Newbury Rugby Club access to the site is significantly curtailed and the fact that Sport England has not been approached regarding the change of use of land questions whether Sandford is actually deliverable.

Clause 74 Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
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
the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Per Clause 73 above the delivery of the Sandford scheme is dependent on getting Sports England approval for the change of use with significant land sales being agreed with the Rugby Club to allow delivery of the scheme. On this basis alone given Sports England has not been approached in relation to this development brings the delivery of Sandford into question.

Clause 76 Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. - As a campaign group we would like to see this enacted for Sandford, and indeed for enhanced rights of way through the area to allow access to stretches of the River Enborne as envisioned in Clause 75.

Clause 77 The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

where the green space is in reasonably close proximity to the community it serves;

where the green area is 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

where the green area concerned is local in character and is not an extensive tract of land.

Sandford meets all the above criteria. Indeed it meets also criteria in Clause 80 for Green Belt land in preserving the setting and special character of the town, as well as the county boundary.

Clause 95 To support the move to a low carbon future, local planning authorities should:

plan for new development in locations and ways which reduce greenhouse gas emissions; - Sandford fails in this objective as the site necessitates travelling by car for most activities.

Clause 109 - Sandford fails to meet any of the criteria set by the nppf for conserving and enhancing the natural environment. Nor does the proposition for Sandford recognise the importance of its juxtaposition to a number of SSSIs in North Hampshire or neighbouring Greenham where even the developers own ecological survey states that these could be significantly important.

Clause 110 - the aim should be to minimise pollution and other adverse effects on the local and natural environment - it is difficult to see how the ancient woodlands would survive as current refuge for wildlife with the influx of domesticated pets from a development of this scale, or how street lights would enhance the night time foraging of bats and owls that live in the woodlands.

Clause 111 - Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land) - the Core Strategy is very specific about the allocation of strategic sites for residential development but is very woolly about the development of brownfield sites. Indeed one of the attractions of Sandford for the Council is the reserve of 1,000 houses it would create in case other developments don't deliver in the plan period. This implies the development of greenfield land prior to the development of brownfield sites in direction contravention of the conditions set by the NPPF.

Clause 113 Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged - it is difficult to see where the Core Strategy addresses this condition.

Clause 114 Local planning authorities should: set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure; - The Core Strategy does not address this point.

Clause 117: To minimise impacts on biodiversity and geodiversity, planning policies should:

plan for biodiversity at a landscape-scale across local authority boundaries;

identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;
promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;
aim to prevent harm to geological conservation interests; and
where Nature Improvement Areas are identified in Local Plans, consider specifying the types of development that may be appropriate in these Areas

It is not evident that any of this work has been done in relation to Sandleford prior to its designation as a strategic site. The Council appears to have been reliant on an ecological report by the developer's consultants dated August 2008 which itself is based on data that goes back to the 1990s. Whilst our campaign understand a bat survey was conducted as recently as September 2011 as far as we are aware its findings have not been published although there have been numerous bat sightings with bats roosting in the ancient woodlands.

Under Clause 118 we believe that it is highly questionable that Sandleford could be delivered on at planning stage as it would fail the condition: if significant harm 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.

The clause goes on to say: planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; given the alternatives clearly do exist it is not evident that Sandleford would pass judicial review even if it was incorporated into the Core Strategy.

Clause 123 identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason - every Wash Commoner would recognise this in relation to Sandleford which is why our petition already has over 1,250 signatories.

Clause 125 By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. It is hard to see how with 2,000 homes this could be achieved in Sandleford to the severe detriment of the wildlife that inhabit the ancient woodlands that the Council claim would be preserved under their scheme.

Clause 137 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. One of the Council's claims for the selection of three sites for short listing was that they could not build west because of the battle site. There is no evidence that the Council has considered whether any development could actually enhance the battle site by non development of the actual areas where the battle took place but allowing development up to those lines.

Clause 140 - 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. There is no evidence that any work along these lines has been done by the Council in drawing up the core strategy.

Clause 150 Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities - The Council completely ignored the feedback it got to the consultation conducted in December 2011 that indicated very clearly that they have not got the buy-in to the Core Strategy from the community that it is suppose to serve.

Clause 151 Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. The Core Strategy fails on this front with the inclusion of Sandleford.

Clause 152 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 - it is not evident that the Core Strategy as currently

constituted does result in a net gain across all three. There is significant reason to think it fails on both social and environmental dimensions.

Clause 155 - Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made. West Berkshire Council have clearly failed in the process from which they have arrived at the Core Strategy as tacitly admitted by Hilary Cole's letter to the NWN (see Clause 17 above).

Clause 157 plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework The IDP is an inadequate piece of work that in conjunction with TA4 is unclear as to what infrastructure would be delivered to enable to significant housing developments on the same side of town. Where the IPD talks of a new link road joining the A339 to the A4 if both sites are chosen this is quietly dropped out of TA4 a few months later, without explanation.

Clause 158 Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals. The Core Strategy has been so long in gestation that it is impossible for this condition to be met in its current iteration and this work should be urgently updated before the core strategy is approved in its current guise.

Clause 159 prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries - given the objections from other authorities regarding the choice of Sandleford as a strategic site it is clear that this work has not been done.

The same point pertains to business and clause 160.

Clause 161 Reviews of land available for economic development should be undertaken at the same time as, or combined with, Strategic Housing Land Availability Assessments and should include a reappraisal of the suitability of previously allocated land - it is not evident that any reappraisal work has been undertaken. locations of deprivation which may benefit from planned remedial action; - it is not evident that the Core Strategy has anything in place to help re-vitalise areas such as Thatcham Town Centre which it acknowledges needs attention.

Clause 162 Local planning authorities should work with other authorities and providers to: assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands. Again it is evident from the objections from significant authorities south of Newbury that this work has not been done as part of the process arriving at the Core Strategy.

Clause 165 Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area including drawing, for example, from River Basin Management Plans. Working with Local Nature Partnerships where appropriate, this should include an assessment of existing and potential components of ecological networks. A sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors. The decision on Sandleford is based on an ecological report dated August 2008 which itself drew on studies and works that are dated back to 1980. It is hard to see how the Core Strategy can be ruled as sound given the decision on Sandleford has not fulfilled this condition. It falls foul of Clause 166 for similar reasons.

Clause 167 The process should be started early in the plan-making process and key stakeholders should be consulted in identifying the issues that the assessment must cover. This never occurred in the case of Sandleford.

Clause 170 and for areas where there are major expansion options assessments of landscape sensitivity. This has not happened in the case of Sandleford.

Clause 171 Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being. The development of Sandleford will encroach on the one of the major community assets, the rugby club, whose land is required for the development. The medical centre on Monks Lane is already at capacity. Again it is hard to see how this condition has been met in the Core Strategy.

Clause 173 Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Yet a key condition identified in the IDP with the delivery of Sandleford in conjunction with the Racecourse is for a new link road between the A339 and A4. This cannot be delivered in the plan period which is why it was dropped from the Traffic Assessment 4. As such this is also in breach of clause 177. The requirement to use land from the Rugby Club to deliver the development cannot be guaranteed as no approach has yet been made to Sports England about a change of use.

Clause 179 Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans - The objections raised by councils such as Basingstoke and Deane illustrates that the Core Strategy clearly has not been devised in conjunction with other planning authorities.

Clause 180 Local planning authorities should take account of different geographic areas, including travel-to-work areas

Clause 181 Local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination

Given the objections received from neighbouring authorities about the traffic impact of a development on Sandleford it is hard to see how West Berkshire Council can claim that they have effectively done this.

Clause 182 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 development;

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

It is hard to believe that in your examination of the Core Strategy that you will be satisfied that it has met any of the above conditions.

West Berkshire's Core Strategy must be one of the first if not the first to be judged under the new nppf. It is hard to see that it meets the tests set by the nppf and therefore how it can be adjudicated sound under the new nppf.

Finally you ask about the soundness of the Core Strategy if the Regional Strategy was to be revoked. Given the Core Strategy is based on data which is already out of date it is hard to see how it can be ruled as sound even without the revocation of the RS. West Berkshire Council clearly is struggling to allocate the 10,500 homes allocated to it under the RS and has chosen a route of expanding one urban hub by over 25% to accommodate this. Yet this represents an over expansion of this town especially given the nppf stipulates that there should be provision to expand beyond the plan. The Council should have revised its plans when it realised that it would struggle to accommodate it through urban extension. Abandonment of RS may provide an opportunity to revisit the housing location to areas where the employment is to reduce commuting between towns.