Department for Levelling Up, Housing & Communities

Our ref: APP/W0340/W/20/3265460
Your ref: 20/01238/OUTMAJ

Mr Owen Jones
LRM Planning
22 Cathedral Road
Cardiff
Wales
CF11 9LJ

6 May 2022

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY BLOOR HOMES AND SANDLEFORD FARM PARTNERSHIP
LAND AT SANDLEFORD PARK, NEWTOWN ROAD, NEWBURY
APPLICATION REF: 20/01238/OUTMAJ

This decision was made by the Minister of State for Housing, Stuart Andrew MP, on behalf of the Secretary of State

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1. I am directed by the Secretary of State to say that consideration has been given to the report of Lesley Coffey BA Hons BTP MRTPI, who held a public local inquiry on 5-28 May 2021 into your client's appeal against the decision of West Berkshire Council to refuse your client's application for outline planning permission, with all matters of detail reserved except for access for up to 1,000 new homes; 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, in accordance with application Ref. 20/01238/OUTMAJ, dated 2 June 2020.

2. On 25 February 2021, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed, and planning permission granted subject to conditions.

4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with her recommendation. He has decided to allow the appeal and grant planning permission. A copy of the Inspector's report (IR)

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is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the environmental information submitted before the inquiry opened. Having taken account of the Inspector's comments at IR1.4, the Secretary of State is satisfied that the Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Procedural matters

6. The Secretary of State has noted the Inspector's comments in IR1.9. He has reviewed document P/ID16. Given that the minor errors identified do not go to the substance of the Unilateral Undertaking and are clearly set out in P/ID16, he does not consider that a Deed of Modification in necessary. For the reasons given at IR1.11 to 1.13 with respect to the Wheatcroft Documents, the Secretary of State is satisfied that no party has been prejudiced, and has determined the appeal on the basis of the Wheatcroft documents and the amended Arboricultural Impact Assessment (AIA).

Matters arising since the close of the inquiry

7. On 8 February 2022, the Secretary of State wrote to the appellant and Council to afford them an opportunity to comment on two conditions, including a pre-commencement condition, recommended by the Inspector relating to the delivery, maintenance and management of the Country Park and the Local Centre. These representations were circulated to the appellant and Council on 16 February 2022. In response to the representations received, the Secretary of State wrote to the main parties (including the Rule 6 parties) on 24 March 2022 to provide an opportunity for all parties to comment on a revised pre-commencement condition relating to the Country Park providing additional clarity on matters relating to the maintenance and management of the Country Park. These representations were circulated to all parties on 11 April 2022. Further representations were received in response to the representations from the appellant, Council and Say No To Sandleford, which were again circulated to all parties on 20 April 2022.

8. In their response of 15 February 2022, the appellant considered that the proposed conditions would secure the Local Centre and the delivery, management and maintenance of the Country Park. The Council, in their response of 15 February 2022, considered that the matter of the Local Centre should be adequately dealt with by way of condition, but considered that the proposed Condition 24 does not deal with the transfer of the completed Country Park from the landowners to the Council, along with the associated commuted sum.

9. In response to the Secretary of State's letter of 24 March 2022 which proposed a revised pre-commencement condition relating to the Country Park, the appellant, in their response of 6 April 2022, considered that the additional wording would secure an acceptable design and the future maintenance and management of the Country Park. In their response of 7 April 2022, the Council considered that, in the absence of a S106

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planning obligation provision in respect of the Country Park, running in conjunction with and in parallel to the suggested Country Park condition, the additional wording does not address the Council's concerns in respect of the transfer of the Country Park and its management and maintenance in perpetuity, including any associated commuted-sum funding. The Council suggested amendments and additional wording for the condition. The Rule 6 party Say No To Sandleford, in their response of 8 April 2022, had no objection to the suggested pre-commencement condition, but in their response of 11 April 2022 subsequently supported the Council's position on amending the condition. In response to the Council's suggested amendments to the condition, the appellant in their response of 14 April 2022 considered such changes were not necessary and the detail required in order to secure delivery, maintenance and management thereafter would be covered in the submitted and approved Country Parkland Landscape and Green Infrastructure Design and Management Plan (LGIDMP).

10. These representations have all been taken into account by the Secretary of State in reaching this decision. A list of correspondence is at Annex A and copies of these letters may be obtained on request to the email address at the foot of the first page of this letter. The Secretary of State's conclusions on the conditions and the submitted planning obligation are set out at paragraphs 36-40 below. A petition was also received titled 'Save Sandleford – 25 acres of ancient woodland under threat, a nationally important site' containing over 5,000 signatures. The Secretary of State is satisfied that no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties.

Policy and statutory considerations

11. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

12. In this case the development plan consists of the West Berkshire Core Strategy Development Plan Document (DPD) (CS) 2006-2026 adopted in July 2012; Housing Site Allocations DPD adopted in May 2017; West Berkshire District Local Plan 1991-2006 (Saved Policies 2007 as amended in 2012 and 2017); Replacement Minerals Local Plan for West Berkshire incorporating alterations adopted in December 1997 and May 2001; and the Waste Local Plan for Berkshire adopted in December 1998. The Secretary of State considers that relevant development plan policies include those set out at IR5.3–5.25.

13. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework'), and associated planning guidance ('the Guidance'), as well as the Sandleford Park Supplementary Planning Document (SPD) 2015; Planning Obligations SPD 2014; Sustainable Urban Drainage Systems SPD (2018); Quality Design SPD (2006); the Newbury Town Design Statement (2018); and the 2015 Written Ministerial Statement (25 March 2015).

Emerging plan

14. The emerging plan comprises the Local Plan Review which underwent a second Regulation 18 consultation in December 2020. The Secretary of State considers that the emerging policies of most relevance to this case include Policy SP 12 Approach to Housing Delivery and Policy SP 16 Sandleford Strategic Allocation (IR5.27-5.28).

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15. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. For the reasons given at IR5.29 the Secretary of State considers that the relevant Policy SP 16 in the emerging Local Plan Review carries little weight.

Main issues

Highway matters

16. For the reasons given at IR16.3-16.27 and later at IR16.246-16.247 and IR16.250, the Secretary of State agrees with the Inspector that the proposal is acceptable in terms of access and impacts on the highway network (IR16.27). The proposal would fail to comply with Policy CS 3 of the Core Strategy in so far as it would not provide a bus link via Warren Road to Andover Road, however, the Secretary of State agrees with the Inspector that the proposed bus service would provide a satisfactory connection and has the potential to be extended in the future (IR16.27). For the reasons given at IR16.12, he agrees with the Inspector and affords any conflict with policy CS 3 in relation to this matter little weight. The Secretary of State agrees with the Inspector and finds the absence of the Warren Road link to be acceptable (IR16.247). He further agrees that the Crooks Copse link would introduce an additional road close to the Crookes Copse ancient woodland which would give rise to landscape and potentially biodiversity harm, but that such harm could be minimised through the sensitive design of the crossing (IR16.250). The Secretary of State notes the crossing is a requirement of the Highway Authority and the absence of such a link was a reason for refusal at the time of a previous application, and agrees with the Inspector that provision of this link does not weigh against the proposed development (IR16.250).

Provision for pedestrians and cyclists

17. For the reasons given at IR16.28-16.39, the Secretary of State agrees with the Inspector that whilst the proposal would not provide a cycle link to Warren Road, in all other respects it would provide suitable cycle and pedestrian routes, both within the development and with the wider area. It would therefore comply with relevant development plan policies (IR16.38). The Secretary of State further agrees that due to the absence of the Warren Road cycle link the proposal would not comply with CS 3 or the Sandleford SPD (IR16.38).

Character and appearance of the surrounding landscape

18. For the reasons given at IR16.40-16.90 and later at IR16.251, the Secretary of State agrees with the Inspector that the proposal will alter the character of the landscape. He agrees that whilst this cannot be considered to be a positive change, this is an allocated site and development will be located within the areas indicated by Policy CS 3 and the Sandleford SPD (IR16.86), subject to some minor differences as set out at IR16.90. The Secretary of State agrees that subject to compliance with conditions, including a design code, a landscaping scheme, protection for the woodlands, the design and management of the Country Park, and measures to protect the trees and hedgerows during construction, there is no reason why a high-quality residential environment could not be delivered (IR16.87).

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19. The Secretary of State agrees that the proposal would provide benefits in terms of the change of the southern part of the site from an arable landscape to a parkland with additional woodland planting close to Waterleaze Copse (IR16.88). He further agrees that, balanced against this, there would be increased recreational pressure on the landscape and some loss of tranquillity. However, he agrees with the Inspector that such harm is a consequence of the allocation of the site for housing, and that the increased recreational use of the Site accords with Policy CS 3 and the Sandleford SPD (IR16.89). The Secretary of State notes that the purpose of the Country Park is to limit additional recreational pressure on Greenham Common Site of Special Scientific Interest (SSSI) and agrees with the Inspector that the management of the Country Park and ancient woodland, including a Warden, would assist with mitigating any harm (IR16.89).

20. The Secretary of State agrees that whilst there would be harm to the character and appearance of the landscape, the proposed development is consistent with Policy CS 3 which requires development to be limited to the north and west of the site, and to protect the registered historic landscape and setting of the former Sandleford Priory (IR16.90). He further agrees with the Inspector that the layout of the Site and landscape proposals have sought to respond to the Development Principles within the SPD, and the only significant differences relate to the location of the Neighbourhood Equipped Area of Play (NEAP) and Locally Equipped Area of Play (LEAP) in the northern valley and that both of these matters can be addressed at the reserved matters stage (IR16.90). The Secretary of State agrees that there would be harm arising from the development, but further agrees that this is an inevitable consequence of the allocation, and that there would be no harm to the setting of the Grade I Sandleford Priory and the Grade II registered Park and Garden (IR16.251).

Effect of the proposal on the trees, and ancient woodland on the site

21. For the reasons given at IR16.91-16.123 and IR16.252, the Secretary of State agrees with the Inspector that, in line with the Core Strategy, the Sandleford SPD and the emerging Local Plan review which all require buffers to be a minimum of 15 metres in depth, the 15 metre buffer as proposed would be adequate to safeguard the rooting areas of the trees within the ancient woodland, provided that any access to, or works within, these areas are limited as outlined in the IR (IR16.121). He further agrees that whilst the proposal would increase public access to the ancient woodland, any adverse impacts could be appropriately managed through the Strategic Landscape and Green Infrastructure Plan (SLGIP), including provision for a Warden (IR16.121). The Secretary of State agrees with the Inspector that with such measures in place, the proposal would be unlikely to result in the loss or deterioration of ancient woodland and would comply with paragraph 180 c) of the Framework, and Core Strategy Policies CS 3, and CS 17. The Secretary of State further agrees with the Inspector that any adverse impacts on the veteran trees on the site could be satisfactorily addressed as part of the reserved matters and this would avoid any significant harm to, or loss of veteran trees, although in some instances a balance would need to be struck between the effects of any proposed works to some trees and public safety (IR16.122). The Secretary of State agrees with the Inspector that the proposal has potential to result in the loss or deterioration to the ancient woodland on the site, but is satisfied that the potential conflicts could be avoided, subject to a more detailed assessment at the reserved matters stage and managing access to the woodland areas (IR16.123). Overall he agrees that subject to the provision of appropriate buffers and a management plan, there would be no harm to the ancient woodland or veteran trees on the site (IR16.252).

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Direct and indirect effects on biodiversity

22. For the reasons given at IR16.124-16.168 and IR16.252, the Secretary of State agrees with the Inspector that the proposal would have potential for the loss of habitats on the site, including loss of connectivity, but that the mitigation proposed by the appellants would to a large extent mitigate any harm and that any such mitigation would need to be considered in combination with the landscape effects and a detailed assessment of any potential adverse effects on the trees and ancient woodland on the site (IR16.166). The Secretary of State agrees that there is also potential harm to species present on the site, much of which could be mitigated but that in the case of some species the harm would not be fully mitigated and there would remain residual harm to species including the brown hare and skylarks (IR16.167). Notwithstanding these residual effects, the Secretary of State agrees with the Inspector that, when looked in the round, with the proposed mitigation measures, the direct and indirect effects of the proposed development would be adequately mitigated (IR16.168), and the proposal would deliver a significant Biodiversity Net Gain (BNG) (IR16.252). The Secretary of State agrees that the proposal would therefore comply with Core Strategy Policies CS 17, CS 3 and GS1 of the Housing Site Allocations DPD (IR16.168).

Drainage Strategy

23. For the reasons given at IR16.169-16.194 and IR16.253, the Secretary of State agrees with the Inspector that further investigations in relation to groundwater level are required and these can be secured by Condition (IR16.189). He further agrees that whilst the drainage strategies submitted to the Inquiry may adversely impact on the ancient woodland on the site, and are unacceptable, it would be possible to provide a Sustainable Drainage System (SuDS) scheme that would avoid such harm (IR16.193-194). The Secretary of State notes that it may be that such a scheme has implications for the layout of the development, but this is an outline application, and the layout is a reserved matter (IR16.193). On the basis of the information submitted to the Inquiry, the Inspector is not persuaded that the Site constraints would preclude the delivery of a SuDs (IR16.194), and is satisfied that an acceptable drainage solution can be achieved without harm to the ancient woodlands or significant harm to the landscape or biodiversity (IR16.253). The Secretary of States agrees and concludes that the proposal would comply with Policy CS 3 and Policy CS 16 (IR16.194).

Carbon emissions and renewable energy

24. For the reasons given at IR16.195-16.209 and at IR16.254, the Secretary of State agrees with the Inspector that matters relating to carbon emissions and the scope to maximise passive solar design can be addressed at the reserved matters stage and can be secured by an appropriate condition (IR16.254).

Air Quality

25. For the reasons given at IR16.210-16.220, the Secretary of State agrees with the Inspector that the proposal is acceptable in terms of the effect on air quality (IR220). The Secretary of State notes that the level of emissions would remain considerably below the relevant threshold, and the proposed development would make a negligible difference to PM_{10} and $PM_{2.5}$ levels (IR16.218). He further notes that the proposed development is also designed to maximise opportunities for walking and cycling. Measures include an on-site local centre and primary school to reduce vehicle trips, sustainable transport links with the local area and the implementation of a Travel Plan. The Secretary of State

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agrees that together these measures would help to reduce the number of trips by cars and contribute to air quality improvements (IR16.219).

Single Application

26. Policy GS1 of the Housing Site Allocations DPD and Development Principle S1 of the Sandleford SPD require a single planning application for the Sandleford Strategic Site Allocation. For the reasons given at IR16.221-16.233 and further at IR16.248, the Secretary of State agrees with the Inspector and does not find that the failure to provide a single application for the entire allocation gives rise to any significant harm (IR16.248).

Benefits

27. For the reasons given at IR16.234-16.241, the Secretary of State agrees with the Inspector that the proposal would deliver up to 1,080 homes and would deliver 40% of the dwellings as affordable dwellings and these would include the Extra Care Units for which there is an identified need. The Secretary of State considers that the delivery of up to 1,000 units, including affordable and 80 extra care units, is a significant benefit and significant weight is afforded to the totality of housing delivery.

28. The Secretary of States agrees the proposal would also deliver a Country Park that would be a benefit for residents of Newbury as well as future residents on the appeal site, and agrees that additional planting in the vicinity of Waterleaze Copse would be a further benefit of the proposal. He agrees that this should carry moderate weight (IR16.236).

29. The Secretary of State agrees with the Inspector that limited weight should be afforded to the public transport provision since the bus service is required to meet the sustainable transport requirement of the Core Strategy and Sandleford SPD (IR16.237).

30. He agrees that the provision of expansion land for Park House School would be a benefit of the proposal and that the expansion is required, not only to meet the educational needs arising from the proposed development, but also to accommodate the educational needs arising from the Donnington New Homes site and some existing demand within the District. He agrees that this should carry moderate weight (IR16.238).

31. The Secretary of States agrees with the Inspector that the appeal scheme would provide economic benefits during the construction phase and the operational phase and would also increase expenditure in the local area. He agrees that the economic benefits should carry significant weight (IR16.239).

32. The Secretary of State notes that the proposed off-site highway improvements are required to mitigate the effect of the proposed development on the local highway network. He agrees that these measures would also enable the local highway to operate more efficiently and facilitate the delivery of the Donnington New Homes site, and agrees with the Inspector that this benefit should be afforded moderate weight (IR16.240).

33. The Secretary of State agrees the proposal would safeguard the ancient woodland on the site and the management proposals in relation to the ancient woodland would be a benefit of the proposal, but like the Inspector recognises that this benefit must be weighed against any harm arising from the increased recreational use of the Country Park and the ancient woodlands. He agrees with the Inspector and considers that the proposal would be an overall benefit in this regard (IR16.241). The Secretary of State affords this benefit limited weight.

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Other matters

34. A small area of Development Parcel North 1 lies outside of the Settlement Boundary for Newbury. For the reasons given at IR16.242, the Secretary of State agrees with the Inspector and does not consider that this matter weighs against the proposal.

35. The Secretary of State agrees with the Inspector's approach to the matters at IR16.243-244.

Planning conditions

36. The Secretary of State has given consideration to the Inspector's analysis at IR15.1-15.66, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 56 of the Framework and the relevant Guidance. Unless otherwise specified he is satisfied that the conditions recommended, by the Inspector comply with the policy test set out at paragraph 56 of the Framework and that the conditions set out at Annex B should form part of his decision.

37. The Secretary of State has also taken into account the Inspector's analysis at IR14.23-14.33 and the suggestion at IR14.33 that the delivery, maintenance and management of the Country Park could be addressed by way of a condition. The Secretary of State is mindful of the differing views presented by the main parties on the Inspector's recommended Condition 24 and the subsequent proposed revision. The Secretary of State notes that the appellant had previously agreed to a commuted sum to assist with financing the management and maintenance of the Country Park for the first five years but, given the changes set out below at paragraph 40, this would not be delivered by the amended Unilateral Undertaking. The Secretary of State considers that the revised Condition 24, through the requirement to submit the LGIDMP, including details of the management body for the management and maintenance of the Country Park in perpetuity, would not preclude the transfer of the Country Park to the Council or an alternative body, and would not preclude an agreement covering payment of funds in connection with the management and maintenance of the Country Park.

38. The Secretary of State has further considered the possibility of a negatively worded condition requiring all those with an interest in the land to enter into a planning obligation before any development takes place, as suggested by the Council in their representation of 7 April 2022. He notes that, as detailed in Planning Practice Guidance, "*in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk (this may apply in the case of particularly complex development schemes)*" (Paragraph: 010 Reference ID: 21a-010-20190723). The Secretary of State does not have before him clear evidence that the delivery of the development would be at serious risk. He considers that in the absence of any document setting out the Heads of Terms for any such planning obligation, that could be referenced in the condition, any such condition would not be sufficiently precise, and would carry a risk of procedural unfairness to other parties. The Secretary of State is further mindful that the Framework requires that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition (paragraph 55). For these reasons he considers that in the circumstances of this case, this would not be an appropriate approach.

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39. In this case, and for the reasons given at IR14.23- 14.33, the Secretary of State considers that the proposed Condition 24 (as worded in the letter to the main parties dated 24 March 2022 and included at Annex B) would provide an appropriate mechanism to secure the delivery, maintenance and management of the Country Park. The appellant has agreed to the imposition of this pre-commencement condition (representation of 6 April 2022).

Planning obligations

40. Having had regard to the Inspector's analysis at IR14.1-14.53, the planning obligation dated 30 June 2021, paragraphs 55 and 57 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR14.1-14.53 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 57 of the Framework subject to the following changes to be applied to the planning obligation in line with the 'blue pencil' clause at 4.3 of the Unilateral Undertaking:

    i) In terms of Schedule 2 (Community Facilities and Local Centre), paragraph 1.1 of Schedule 2 and the obligations at paragraph 2 of the schedule should apply and paragraph 3 of Schedule 2 should have no effect.

    ii) Part 3 and part 4 of Schedule 2 are unnecessary and should have no effect.

    iii) Part 1, Part 2 and Part 3 of Schedule 3 (Public Open Space) should have no effect.

Planning balance and overall conclusion

41. For the reasons given above, the Secretary of State considers that notwithstanding a small number of discrepancies with development plan policies, i.e. the absence of a Warren Road bus, cycle and pedestrian link (paragraphs 16 and 17 above) and a single planning application for the entire site (paragraph 26 above), the appeal scheme is in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

42. The delivery of homes, including affordable and extra care units, attracts significant weight. The economic benefits are afforded significant weight. The delivery of a Country Park and additional woodland planting; off-site highway improvements; and the provision of expansion land for Park House School are each afforded moderate weight. Limited weight is attached to the proposed bus service and the safeguarding of onsite ancient woodland and associated management proposals.

43. The proposal has the potential to result in harm to the landscape, biodiversity, veteran trees and ancient woodland. This must be assessed in the context of this site being the major part of an allocated housing site, and the Secretary of State considers that such potential adverse impacts could be satisfactorily addressed and/or mitigated at the reserved matters stage to avoid any significant harm. However, it is of great importance that the final scheme is of a high quality and appropriately protects the natural environment and irreplaceable habitats. The Secretary of State would like to set a clear expectation that, in line with the Framework, the design of the scheme at the reserved matters stage will be of a high standard reflecting local design policies and government

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guidance on design (in line with chapter 12 of the Framework) and the final details of the scheme will ensure that natural environment and ancient woodland and veteran trees in particular are appropriately protected (in line with chapter 15 of the Framework).

44. Overall the Secretary of State considers that the material considerations in this case indicate a decision in line with the development plan – i.e. a grant of permission.

45. The Secretary of State therefore concludes that the appeal be allowed, and planning permission granted subject to conditions.

Formal decision

46. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission subject to the conditions set out in Annex B of this decision letter and the planning obligations in the Unilateral Undertaking with the exception of paragraph 3 as well as Part 3 and Part 4 of Schedule 2, and Part 1, Part 2 and Part 3 of Schedule 3 for outline planning permission, with all matters of detail reserved except for access for up to 1,000 new homes; 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, in accordance with application ref 20/01238/OUTMAJ, dated 2 June 2020.

47. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

48. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

49. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

50. A copy of this letter has been sent to West Berkshire Council, Newbury Town Council, Greenham Parish Council and Say No To Sandleford, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Maria Stasiak

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Decision officer

This decision was made by the Minister of State for Housing, Stuart Andrew MP, on behalf of the Secretary of State, and signed on his behalf

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Annex A Schedule of Representations

General representations

Party	Date
Darius Zarazel (on behalf of Newbury Town Council)	26 October 2021
Julie Knapman (on behalf of the 'Save Sandleford – 25 acres of ancient woodland under threat, a nationally important site' petition)	1 May 2022

Representations received in response to the Secretary of State's letter of 8 February 2022

Party	Date
Owen Jones (on behalf of the appellant)	15 February 2022
Nikolaos Grigoropoulos (on behalf of West Berkshire Council)	15 February 2022
Nikolaos Grigoropoulos (on behalf of West Berkshire Council)	22 February 2022

Representations received in response to the Secretary of State's letter of 24 March 2022

Party	Date
Owen Jones (on behalf of the appellant)	6 April 2022
Nikolaos Grigoropoulos (on behalf of West Berkshire Council)	7 April 2022
Peter M Norman (on behalf of Say No To Sandleford)	8 April 2022
Nikolaos Grigoropoulos (on behalf of West Berkshire Council)	11 April 2022
Peter M Norman (on behalf of Say No To Sandleford)	11 April 2022
Owen Jones (on behalf of the appellant)	14 April 2022
Nikolaos Grigoropoulos (on behalf of West Berkshire Council)	21 April 2022

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Annex B List of conditions

1. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase takes place. The development shall be carried out in accordance with the approved details.

2. Before or alongside the first application for reserved matters approval a plan shall be submitted to the local planning authority identifying the phasing for the development and shall include the following:

   - Residential phase(s)
   - Primary School
   - Local Centre phase
   - Country Park
   - Central Valley Crossing
   - Crooks Copse Link
   - Expansion of Park House School
   - On-site highway works and infrastructure (including but not limited to on-site roads, footways, cycleway and green links)
   - Public open space including the NEAP, LEAPs and LAPs
   - Broad housing numbers and housing mix for each phase of development.

   No development shall commence until the local planning authority has approved in writing the phasing plan and the development shall thereafter be constructed in accordance with the agreed phasing plan.

3. Application for approval of the reserved matters for at least one of the phases shown on the phasing plan approved by condition 2 shall be made to the Local Planning Authority no later than the expiration of 3 years from the date of this permission.

4. The development of each phase permitted by condition 2 shall commence no later than 2 years from the date of approval of the last of the reserved matters to be approved for that phase.

5. The development hereby permitted shall be carried out in substantial accordance with the details shown on the following plans, save that the amended areas for the Primary School and the Park House School expansion land shall be taken into account:

   - Application Boundary Plan (drawing number 14.273/PP01 Rev B)
   - Land Use and Access Parameter Plan (drawing number 14.273/PP02 Rev H1);
   - Green Infrastructure Parameter Plan (drawing number 14.273/PP03 Rev G1);
   - Building Heights Parameter Plan (drawing number 14.273/PP04 Rev G1);
   - Strategic Landscaping and Green Infrastructure Plan (drawing number 04627.00005.16.632.13) - except for the locations of the LEAP and NEAP, the attenuation basins;
   - Eastern Site Access Plan (drawing number 172985/A/07.1 Rev A);
   - Western Junction Access Plan (drawing number. 172985/A/08 Rev A).

6. Prior to, or at the same time as, the submission of the first reserved matters application, an Urban Design Code document for all built areas (residential, local centre, valley crossings and primary school) identified in the Phasing Plan approved pursuant to Condition 2 shall be submitted to the Local Planning Authority for its approval

   The Urban Design Code document shall accord with the Key Design Principles specified in Section F of the Sandleford Park Supplementary Planning Document (March 2015). The

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following details for each of the character areas CA1, CA2, CA3, CA4, CA6, CA7 and CA8 identified within Section F of the Sandleford Park Supplementary Planning Document shall be provided.

(a) the built form of the character area, namely the structure of blocks, key groupings or individual buildings, density, building form and depth, massing, scale, building heights (in accordance with the approved plan), orientation of buildings roofscape, including ridge lines and pitches, building elements such as eaves, openings (windows and doors) and porches, external materials, boundary treatment;

(b) the street network, cycle routes, footpaths and public spaces, providing typical street cross-sections.

(c) landscaping, areas of public realm, green links, woodland buffers, sustainable urban drainage, and open space within the areas of built development (excluding the area of Country Park), including enclosure, shading, natural surveillance, public art, materials, street furniture, signage and lighting.

(d) the approach to vehicular and cycle parking including the amount of parking, location and layout of parking for all purposes, including but not restricted to parking for people with disability, visitor parking, parking for the Country Park and electric vehicle charging at the local centre.

(e) Principles for ancillary infrastructure/buildings such as waste and recycling provision.

Each reserved matter application shall accord with the details of the approved Urban Design Code document and be accompanied by a statement which demonstrates compliance with the approved Urban Design Code document.

7. Proposals for the number and type of open market housing on any individual phase of the development shall be submitted to the local planning authority for approval either prior to or as part of any reserved matters application relating to Layout. In combination, the residential phases approved in the Phasing Plan (pursuant to Condition 2) shall provide the following mix of market housing:

2 bed flats	10%
2 bed houses	20%
3 bed houses	42.5%
4 bed houses	27.5%

The development shall thereafter be implemented in accordance with the approved scheme.

8. Notwithstanding what is shown on the Land Use and Access Parameter Plan (drawing number PP02 Rev H1), Green Infrastructure Parameter Plan (drawing number PP03 Rev G1) or Building Heights Parameter Plan (drawing number PP04 Rev G1), a Primary School Site Area plan showing the location and boundaries of the primary school site of 2.043 hectares (20430 square metres) shall be submitted to the Local Planning Authority before the first application for reserved matters approval. No reserved matters application shall be approved until a Primary School Site Area plan has been approved in writing by the Local Planning Authority. The Scheme shall be implemented in accordance with the approved plan.

9. Notwithstanding what is shown on the Land Use and Access Parameter Plan (drawing number PP02 Rev H1), Green Infrastructure Parameter Plan (drawing number PP03 Rev G1), Building Heights Parameter Plan (drawing number PP04 Rev G1) or Strategic Landscape and Green Infrastructure Plan (drawing number 04627.00005.16.632.13), a scheme for the Park House School expansion land showing the location and boundaries of the expansion land in accordance with drawing number BG-SP-001 Rev B and including the specification for the playing pitch to be provided, existing and proposed levels, tree protection measures, associated pedestrian routes and spectator space, means of enclosure, drainage, other hard and soft landscaping measures together with a programme for implementation shall be submitted to the Local Planning Authority before the first application for reserved matters

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approval.

The expansion land scheme shall be implemented in full in accordance with the approved details.

10. No external lighting within the Park House School Expansion Land shall be installed unless an application has been made to and approved by the Local Planning Authority for that purpose and any such external lighting shall only be installed and thereafter operated in accordance with the external lighting scheme approved.

11. The first reserved matters application, relating to any or all of the reserved matters (namely layout, scale, appearance and landscaping) for each phase of residential development submitted pursuant to Condition 2 above, shall be accompanied by a fully detailed scheme of on-site energy generation from renewable, low carbon and/or zero carbon energy sources.

    No development within each phase shall take place until approval of the above scheme of energy generation on site has been granted in writing by the Local Planning Authority.

    Thereafter the development within each phase shall be implemented in full accordance with the approved details.

12. The first reserved matters submission relating to layout, scale, appearance and landscaping for the Local Centre shall be submitted prior to any other reserved matters application for a phase within Development Parcel Central. The reserved matters application shall include details of car parking and cycle parking, and provide an area measuring 15m x 7 m for a mini-waste recycling collection facility within the Local Centre.

    No development within Development Parcel Central shall take place until approval of the Local Centre has been received in writing from the Local Planning Authority as part of the reserved matters application.

    No more than 700 dwellings within the site shall be occupied until the Local Centre has been constructed in full accordance with the approved details.

13. No individual dwelling or unit shall be first occupied until vehicle parking and turning spaces and cycle parking associated with each dwelling/unit has been provided in accordance with the details previously approved in writing by the Local Planning Authority.

    Thereafter the vehicle parking shall be kept available for the parking of private cars and/or private light goods vehicles and the cycle parking provision shall be kept available for the parking of cycles.

14. The first reserved matters submission relating to layout, scale, appearance and landscaping for each phase of residential development submitted pursuant to Condition 2 shall be accompanied by details of existing and proposed ground levels, and finished floor levels of the dwellings and other buildings to be constructed in that phase. No development within each phase shall take place until approval of the proposed ground levels and finished floor levels has been received in writing from the Local Planning Authority as part of the reserved matters application.

    Thereafter the development within each phase shall be implemented in accordance with the approved details.

15. The first reserved matters submission relating to layout, scale, appearance and landscaping for the phase of the development with Development Parcel Central containing the Country Parkland parking (the indicative location of which is shown on plan 04627.00005.16.632.13), shall provide details of the vehicular, cycle and motorcycle parking arrangement and turning spaces for the Country Parkland. No development within that phase shall take place until approval of the Country Parkland parking has been received in writing from the Local Planning Authority as part of the reserved matters application.

    The Country Parkland parking shall be implemented in accordance with the approved details (including any surfacing arrangements and marking out) prior to the occupation of more than 150 dwellings in Development Parcel Central.

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Thereafter the parking shall be kept available for the parking of visitors' private cars, motorcycles and cycles.

16. Prior to the occupation of any dwellings or units within any phase or sub-phase, electric vehicle charging points shall be installed in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

17. Prior to, or at the same time as, the submission of the first reserved matters application a Drainage Strategy for the whole site shall be submitted to and approved in writing by the Local Planning Authority.

18. The first reserved matters application for any part of the development which would be located within any part of any of the rainfall catchment areas as identified in Appendix K1 of the Environmental Statement (drawing number 10309-DR-02) shall provide details of the sustainable drainage measures to manage surface water within that entire rainfall catchment area or areas affected.

    No development within each of the rainfall catchment areas shall take place until approval of the sustainable drainage measures for that rainfall catchment area has been received in writing from the Local Planning Authority as part of the reserved matters application.

    These details shall:

    a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018, to include a range of, but not be limited to, the following : green roofs and rainwater harvesting measures; localised bio-retention measures in built areas; trees planted in tree-pits incorporated into the built development as well as SuDS areas; ponds and wetlands; carriageway filter strips; roadside swales; attenuation basins as local source control with dry and wet areas;

    b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels pertinent to the locations of proposed SuDS measures. Any soakage testing should be undertaken in accordance with BRE365 methodology;

    c) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

    d) Include a timetable for its implementation; and,

    e) Provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

    The above sustainable drainage measures shall be implemented in full accordance with the approved details. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

19. Prior to or as part of the first reserved matters application, a fully detailed scheme for the protection and management of all the woodlands and their respective woodland buffers, namely Crook's Copse, Slockett's Copse, Slockett's West, High Wood, Barn Copse, Dirty Ground Copse, Waterleaze Copse or Gorse Covert, shall be submitted to and approved in writing by the Local Planning Authority. The submitted detailed scheme for the woodlands and woodland buffers shall include the following:

    a) A detailed ecological and arboricultural assessment of all the woodland and boundary trees and the proposed buffer zone, to establish if there are any ancient/veteran trees or trees of note within or surrounding the woodland or woodlands relating to that phase;

    b) A detailed assessment of the existing landscape, botanical and ecological value of the

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woodlands and its buffer zones;

c) A detailed scheme of enclosure to prevent all access and/or storage of materials during construction to the woodland buffer zone.

d) Details of fencing or other forms of enclosure for the buffers ensuring retention for the duration of the site construction period and in perpetuity following the onset of the operational phase of the development. Such details will include special measures for installation of fence posts and means of enabling continued wildlife transfer into the woodlands (including badger gates / gaps and hedgehog gaps), whilst minimising ingress of domestic pets.

e) Details of soft landscaping and planting specifications of a habitat creation scheme, including locally indigenous and appropriate native species of trees, shrubs and characteristic woodland edge flora, within the buffer zones;

f) A detailed assessment of any basins, conveyance channels and other infrastructure including outfalls proposed to be located within the ancient woodland buffer zones, including the Sustainable Urban Drainage Systems (SuDS) and their effect on the hydrology, water table, or roots of adjacent trees/woodlands. SuDS should not be located within the root protection area.

g) Details of tree protection barriers, ground protection and methods for installation;

h) Details of signage and interpretation boards where relevant and methods for installation;

i) Details of the locations of the access points and paths through buffers to footpaths within the woodlands;

j) Details of No-dig permeable surfacing and methods for installation of the proposed access provision along specified and agreed routes;

k) Details of the extent of buffer zones, to be set out on site as 'no-go' Nature Conservation Areas prior to the onset of any enabling or construction works on Site together with an agreed programme of conservation management and monitoring to be undertaken by the Project Ecologist. Contractor's access (plant and personnel) will only be permitted to allow the construction of access paths within buffer zones (but only where these are to allow direct access into the woodland).

The ancient woodland buffer should be at least 15m as measured from the edge of the woodland (that being from the fixed physical woodland boundary such as a fence, ditch, stream or other physical demarcation), or at least 15m from the edge of Natural England's ancient woodland inventory Magic Map Application (defra.gov.uk), whichever is the greater. For all ancient/veteran trees the buffer zone radius should be extended to measure at least 15 times the diameter of the tree or to at least 5m from the edge of the tree's canopy, whichever the greater. The exact full extent of the woodland buffer width at any point is to be clearly identified on all plans submitted to discharge of this Condition.

Unless specified otherwise in the approved scheme, the buffer zone habitat creation and fenced protection measures, are to be installed within the first planting season following commencement of development at the beginning of the construction period for each phase.

Any public access to the woodland buffer zone is only permitted to allow direct access to paths within the woodland.

No construction activity, other than that subject to written approval by the Local Planning Authority, shall be carried out at any time within the minimum 15m woodland buffer zone.

There is to be no access for construction of Site infrastructure (e.g. roads, bridges, drainage facilities) or other earthworks and no storage of materials, plant, no fires or other potentially damaging operations within any of the buffers unless otherwise approved as part of the details submitted above.

No lighting is to be erected or installed within buffer zones or directed towards buffer zones.

No development shall take place in the phase concerned, until the above details have been

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approved by the Local Planning Authority and implemented for that phase.

20. The first reserved matters submission relating to layout, scale, appearance and landscaping for each phase of residential development submitted pursuant to Condition 2 shall be accompanied by details of any LEAP or Local Areas for Play (LAP)to be provided within that phase, including details of play equipment to be provided. No development within each phase shall take place until approval of any LEAPs or LAPs to be provided within that phase has been received in writing from the Local Planning Authority as part of the reserved matters approval.

21. Details of both hard and soft landscape works for each phase, excluding Ecological Buffer Zones alongside watercourses, ponds and basins, shall be submitted to and approved in writing by the local planning authority. Each reserved matter submission for landscape shall include details of:

    i) the timing of implementation, which shall be no later than the end of the first planting season following the substantial completion of development of that phase;

    ii) planting plans;

    iii) written specifications;

    iv) a schedule of plants noting species, plant sizes and proposed numbers;

    v) existing landscape features such as trees, hedges and ponds to be retained, accurately plotted (where appropriate);

    vi) existing landscape features such as trees, hedges and ponds to be removed, accurately plotted (where appropriate);

    vii) existing and proposed finished levels (to include details of grading and earthworks where appropriate);

    viii) hard landscaping such as any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking).

    The soft landscaping shall be completed in accordance with the approved details including the programme of implementation.

    With the exception of Advanced Structure Planting secured by condition 37, any planting that is removed, uprooted, severely damaged, destroyed or dies within five years of the date of planting shall be replaced by the approved type planting by the end of the first available planting season.

    No dwelling shall be first occupied, or unit brought into first use until the approved hard landscaping works have been implemented in full in accordance with the details approved at reserved matters stage.

22. No individual dwelling shall be first occupied, or individual non-residential unit brought into use until refuse storage and recycling facilities in accordance with the details for that residential dwelling or non-residential unit have been constructed in accordance with the details approved at reserved matters stage.

    Thereafter the recycling and refuse storage shall be kept available and used for the storage of refuse and recycling receptacles.

23. Notwithstanding drawing numbers 172985/A/07.1 Rev A and 172985/A/08 Rev A, as part of the first reserved matters application details of pedestrian and cycle accesses to the site from Monks Lane shall be submitted. No development shall take place until approval of the pedestrian and cycle accesses to the site from Monks Lane, together with a programme of implementation, has been received in writing from the Local Planning Authority as part of the reserved matters application.

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The details shall confirm the approved visibility splays for the proposed vehicular accesses onto Monks Lane of 2.4 metre x 43 metres. Thereafter the visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.

No dwelling within the site shall be occupied until the Monks Lane Eastern Access has been implemented to base wearing course in full accordance with the approved details. No more than 100 dwellings within the site shall be occupied until the Monks Lane Western access has been implemented to base wearing course standard in full accordance with the approved details. The pedestrian and cycle access shall be provided in accordance with an agreed programme of implementation.

24. The first reserved matters application for the site shall include a Country Parkland Landscape and Green Infrastructure Design and Management Plan (LGIDMP) detailing the design and management of the landscape and green infrastructure within the whole of the Country Parkland as denoted in drawing number 04627.00005.16.306.15 including details of woodland buffer zones, hard and soft landscaping, boundary treatments, SuDS, non-vehicular access, lighting, green links, works and alterations to PROW GREENHAM 9 and NEAP. No development shall take place until approval of the Country Parkland Landscape and Green Infrastructure Design and Management Plan (LGIDMP) has been received in writing from the Local Planning Authority as part of the reserved matters application.

    No more than 150 dwellings within Development Parcel North 1 and 2 (as depicted on drawing number PP05 Rev B) shall be occupied until the Country Parkland Eastern area as shown on drawing number 04627.00005.16.306.15 has been implemented in full accordance with the approved details. The details shall include provision for a temporary car park.

    No more than 150 dwellings within Development Parcel Central (as depicted on drawing number PP05 Rev B) shall be occupied until the Country Parkland Western area as shown on drawing number 04627.00005.16.306.15 has been established and open to the public in accordance with the approved details.

    The LGIDMP shall include details for the management and maintenance of the Country Park in perpetuity, together with details of the persons, body or organisation responsible for management and maintenance of the Country Park. The Country Park shall thereafter be managed and maintained in accordance with the approved details.

25. Full details including the design, appearance, lighting and method of construction of the Central Valley Crossing shall be submitted to the Local Planning Authority prior to, or as part of, the reserved matters submission relating to any one of the following: layout, scale, appearance and landscaping, the phase of the development within Development Parcel North 2 established through condition 2 that is to be located directly to the north of, and adjoining, the central valley.

    No development within that phase shall take place until the Central Valley Crossing details have been approved in writing by the Local Planning Authority. The Central Valley Crossing shall be implemented in accordance with the approved details, including the method of construction.

26. No development shall take place until details of site access for use during all construction activities has been submitted to and approved in writing by the Local Planning Authority. The details shall include a plan showing the layout, surfacing arrangements, visibility splays, and any adjoining gates and means of enclosure.

    Thereafter no construction activities other than those directly related and necessary to construct the access(es) shall take place until the construction of the construction access(es) has been completed in accordance with the approved details. The construction access(es) shall be maintained in their approved condition at all times during demolition and/or construction activities. Visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.

27. No development shall commence until details of sustainable drainage measures to manage

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surface water within the site during the construction period have been submitted to and approved in writing by the Local Planning Authority. Those details shall include timings of when the measures are to be implemented, the decommissioning of those measures and any necessary restoration. The sustainable drainage measures shall be implemented, maintained and managed in accordance with the approved details thereafter and the construction of development shall be undertaken in accordance with the approved details.

28. No more than 200 dwellings within the Site shall be occupied until the construction access to Park House School has been completed in accordance with the details that have previously been submitted to and approved in writing by the local planning authority.

    Such details shall include surface treatment, crossing of watercourses including a temporary bridge across the central valley, an ecological appraisal including any necessary mitigation measures and the timing for those, tree and woodland protection and timescales for laying out, location and size of site compound(s) and decommissioning.

29. No development within any phase of the development permitted by condition 2 shall take place until a scheme to deal with any land contamination within that phase has been submitted to and approved in writing by the Local Planning Authority. The land decontamination scheme shall:

    (a) Include an investigation and risk assessment. A report of the findings shall: identify the nature and extent of any contamination on the site (irrespective of its origin); include an assessment of the potential risks to human health, property, and the environment; and include an appraisal of remedial options, and proposal of preferred option(s) if required.

    (b) If required, include a remediation scheme which ensures that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

    (c) If required, include a monitoring and maintenance scheme to ensure the long-term effectiveness of the proposed remediation, and the provision of reports on the same that shall be submitted to and approved in writing by the Local Planning Authority.

    (d) Be prepared by a competent person (a person with a recognised relevant qualification, proven experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation), and conducted in accordance with current best practice.

    Thereafter, any approved remediation scheme and/or monitoring and maintenance measures if required shall be carried out in accordance with the approved details. Two weeks written notice shall be given to the Local Planning Authority prior to the commencement of any remediation scheme.

    If any previously unidentified land contamination is found during the carrying out of the development, it shall be reported immediately in writing to the Local Planning Authority. Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be undertaken in accordance with details that shall have been approved in writing by the Local Planning Authority. Thereafter, any remediation measures shall be carried out in accordance with the approved details.

    The development within each phase shall not be occupied until all approved remediation measures if required have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority.

30. No development (including demolition, ground works, vegetation clearance) within each phase of the development permitted by condition 2, but excluding the Ecological Buffer Zones alongside watercourses, ponds and basins shall take place until a Construction and

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Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be based upon the outline Construction and Environment Management Plan submitted at Appendix D1 of Environmental Statement (March 2020) and include the following:

(a) Risk assessment of potentially damaging construction activities including any updated ecological survey reports where necessary.

(b) Identification of "biodiversity protection zones".

(c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction on biodiversity and landscape (may be provided as a set of method statements).

(d) The location and timing of sensitive works to avoid harm to biodiversity features.

(e) The times during construction when specialist ecologists need to be present on site to oversee works.

(f) Responsible persons and lines of communication.

(g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person together with their contact details.

(h) Use of protective fences, exclusion barriers and warning signs.

(i) A scheme of works for the retention and reuse of the best and most versatile soils in accordance with best practice as set out in the Code of Practice for the Sustainable Use of Soils on Construction Sites.

(j) A working method statement for channel and bank works within the Country Parkland including the timing of works; methods used for all channel and bank side water margin works; and the machinery (location and storage of plant, materials and fuel, access routes, access to banks etc) to be used.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

31. No development (including demolition, ground works, and vegetation clearance) shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall be based upon Appendix G of the Transport Assessment (March 2020).

The approved CTMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

32. No piling or other deep foundations, investigation boreholes or ground source heating and cooling systems using penetrative methods shall take place until a Piling Risk Assessment and Piling Method Statement has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for the reduction of ground permeability and impacts on groundwater flow and levels, and the programme for the works, including timing, duration and schedule.

Any piling or other deep foundation designs, investigation boreholes and ground source heating and cooling systems using penetrative methods must be undertaken in accordance with the terms of the approved Piling Method Statement.

33. No development (including any site clearance and any other preparatory works) within each phase of the development permitted by condition 2, excluding the Country Park and the Ecological Buffer Zones alongside watercourses, ponds and basins shall commence until a Landscape and Green Infrastructure Design and Management Plan (LGIDMP) for that phase

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has been submitted to and approved in writing by the Local Planning Authority. Each Landscape and Green Infrastructure Design and Management Plan (LGIDMP) shall detail the design, implementation and management of the landscape and green infrastructure within the developed areas of the site and how each phase will be integrated with the adjacent phase. The LGIDMP will also include non-vehicular access, lighting, green links, works and alterations to PROW GREENHAM 9 (where applicable) and open space provision.

Each Landscape and Green Infrastructure Design and Management Plan shall cover a 30 year period in accordance with best practice for Biodiversity Net Gain including and an initial 5 year Establishment Period.

All measures and works shall be completed in accordance with the approved details and programme.

34. For each phase of development identified on the Phasing Plan approved pursuant to Condition 2, an Ecological Mitigation and Management Plan (phase specific EMMP), together with a timetable for implementation, comprising a schedule of avoidance, mitigation and management measures shall be submitted to the Local Planning Authority. The phase specific EMMP shall be prepared in accordance with the site wide EMMP (Appendix F19 of the Environmental Statement March 2020) and informed by the recommendations arising from any updated ecology surveys completed to inform the Reserved Matters Applications in that parcel. Each phase specific EMMP shall accord with the Surface Water Drainage Strategy, the Detailed Landscape and Green Infrastructure Design and Management Plan, and the Construction Environment Management Plan prepared for that phase of the development. No plant, machinery or equipment shall be brought onto to any phase until the phase specific EMMP relevant to that main development parcel has been approved by the Local Planning Authority and the phase specific EMMP's measures shall thereafter be implemented in accordance with the agreed details, including the timetable for implementation, unless otherwise agreed in writing by the Local Planning Authority.

35. No development (including any site clearance and any other preparatory works) within any Phase approved pursuant to Condition 2 shall commence until a scheme for the protection of trees, hedges to be retained within that Phase has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and type of the protective fencing. The protective fencing shall be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012 or alternatively as agreed with the Local Planning Authority. All such fencing shall be erected prior to any development works taking place in that phase and at least 2 working days' notice shall be given to the Local Planning Authority that it has been erected. Fencing shall be retained for the full duration of construction works within the phase or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

36. No development (including site clearance and any other preparatory works) shall take place within any main development parcel shown on parcel plan 14-273/PP05 Rev B until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring for that main development parcel, which has been submitted to and approved in writing by the Local Planning Authority.

37. No development shall commence until a scheme for Early/advanced planting, the locations of which are shown on the Country Park: Phasing Plan 04627.00005.16.306.15, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

i) the timing of implementation, which shall be no later than the end of the first planting season following the commencement of development;

ii) planting plans;

iii) written specifications;

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iv) a schedule of plants noting species, plant sizes and proposed numbers;

v) existing landscape features such as trees, woodlands, hedges and ponds to be retained accurately plotted (where appropriate);

vi) existing landscape features such as trees, hedges and ponds to be removed accurately plotted (where appropriate);

vii) existing and proposed finished levels (to include details of grading and earthworks where appropriate).

The planting scheme approved as part of this condition shall be completed and thereafter maintained in accordance with the approved timing details.

Any trees, shrubs, plants or hedges planted in accordance with the approved details which are removed, die, or become diseased or become seriously damaged within 15 years of completion of the Advanced Structure Planting scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

38. No development shall take place until a plan detailing the protection and mitigation of damage or disturbance to Otters and Water Voles and their habitats, has been submitted to the Local Planning Authority. The plan must be based on an updated otter and water vole survey to be included with the plan and must consider the whole duration of the development, including the construction phase and a ten year period after completion, including ongoing population surveys and monitoring. Any change to operational responsibilities, including management, shall be submitted to and approved in writing by the Local Planning Authority.

The Otter and Water Vole protection plan shall be carried out in accordance with a timetable for implementation as approved.

39. No development shall take place within any phase until an updated badger survey and mitigation strategy for that phase has been undertaken and a report submitted to and approved in writing by the Local Planning Authority. The report shall detail the methods and results of the survey and include recommendations and/or measures for any working practices or other mitigation measures that might include strategic fencing and defensive screen planting. The development shall be implemented in accordance with the approved details.

40. No development within any phase of the development permitted by condition 2 shall take place until a Lighting Scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The details of the lighting scheme shall accord with the lighting principles set out in the Appendix C of the Lighting Assessment (Appendix F20, Environmental Statement March 2020) and shall:

i) Identify those areas within that phase of development that are likely to cause disturbance to bats and other nocturnal animals, including dormice, owls and badgers.

ii) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species.

iii) Include an isolux diagram of the proposed lighting.

No external lighting shall be provided, installed or operated in the development, except in accordance with the approved detailed lighting scheme.

41. Each reserved matter application in a residential phase of the development hereby permitted shall include a Noise Assessment that shall identify noise mitigation measures required to achieve internal levels of 30 dB LAeq(15mins) or 45 dB LAmax throughout the night-time (23:00 - 07:00) or 40 dB LAeq(1hr) during the daytime (07:00 – 23:00) and 50 dB LAeq(1hr) in the quietest part of private amenity spaces. Where necessary, the details of the proposed noise mitigation shall also be submitted for approval. The approved noise mitigation measures shall be implemented for any individual dwelling or unit prior to its first occupation.

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42. No development including site clearance, within any phase of the development permitted by condition 2 or within the Country Parkland as identified on drawing number 04627.00005.16.306.15, shall take place until the developer has secured the implementation of a programme of archaeological survey and recording to include any below ground deposits affected by the works. This programme shall be in accordance with a Stage 1 Written Scheme of Investigation (WSI) which has been submitted to and approved by the local planning authority. For land that is included within the Stage 1 WSI development shall take place other than in accordance with the agreed Stage 1 WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

    If heritage assets of archaeological interest are identified by the Stage 1 WSI, then for those parts of the site which have archaeological interest a Stage 2 WSI shall be submitted to and approved in writing by the Local Planning Authority.

    For land that is included within the Stage 2 WSI, no site clearance work or development shall take place other than in accordance with the approved Stage 2 WSI, which shall include:

    a) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

    b) The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.

    This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the Stage 2 WSI.

43. No excavations associated with the erection of the buildings within each phase of the development permitted by condition 2 shall take place until a statement of mineral exploration and associated development management plan for that phase of development has been submitted to and approved in writing by the Local Planning Authority. This statement shall include:

    i. The methods to be used for investigating the extent and viability of the construction aggregate mineral resource beneath the areas of the application site proposed for built development.

    ii. Details of the necessary operations to be carried out to ensure that incidental extraction of construction aggregates that can be viably recovered during construction operations are extracted and put to beneficial use, such use to be agreed in writing with the Local Planning Authority.

    iii. Details of the timing of the investigative and extraction works, together with the timing of any further detailed submissions required during the construction operations.

    iv. A method to record the quantity of recovered mineral (for use on and off site) and the reporting of this quantity to the Local Planning Authority.

    v. The approved scheme shall be implemented in full and complied with throughout the duration of the construction operations.

44. No development shall commence until a scheme for the pedestrian and cycle access route to the A339 in the location within the site, as shown on drawing number 81311-041-108, has been submitted to and approved in writing by the Local Planning Authority. No more than 150 dwellings within Development Parcel North 1 shall be occupied until the pedestrian and cycle access has been implemented in full accordance with the approved scheme and is available for pedestrian use.

45. No development shall commence until details of permanent foul drainage proposals for the site, to include phasing, have been submitted to and approved in writing by the Local Planning Authority. The details shall include a development and foul water network infrastructure

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phasing plan (on and off site) together with a timetable of the implementation of the foul water infrastructure to be installed and the corresponding number of dwellings that can be occupied.

The foul drainage proposals will be implemented in accordance with the approved details.

46. Development shall not commence on any non-residential building until details of any externally mounted plant or equipment (and their enclosure if provided) or any internal equipment which vents externally, including any extraction ventilation system for a cooking area, have been submitted to, and approved in writing, by the Local Planning Authority.

    All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall not exceed at any time a level of 5dB[A] below the existing background noise level, or 10dB[A] if there is a particular tonal quality when measured in accordance with BS4142:2014 at a point one metre external to the nearest residential or noise sensitive property.

    Development shall be carried out in accordance with the approved details.

    No plant, machinery or equipment shall be installed, other than in accordance with the approved details.

47. The non-residential buildings hereby permitted shall achieve Excellent under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). No non-residential building shall be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of Excellent has been achieved for that building, has been issued and a copy has been provided to the Local Planning Authority.

48. Notwithstanding the provisions for public access to the River Enborne shown on the Strategic Landscape and Green Infrastructure Plan (drawing number 04627.00005.16.632.13), prior to the occupation of 100 dwellings in Development Parcel North 1 details of the methods in which public access to the River Enborne will be restricted and prevented shall be submitted to and approved in writing by the Local Planning Authority.

    Prior to the occupation of 150 dwellings within Development Parcel North 1 and subsequent provision of Parkland East shown on drawing number 04627.00005.16.306.15, the approved methods for the prevention and restriction of public access to the River Enborne shall be implemented in full accordance with the details approved.

    At no time shall public access be allowed to the River Enborne.

49. No more than 300 homes hereby approved shall be occupied prior to the Main Access Road having been built to the boundary of the Site (denoted by Point B on Plan 14.273/928). For the avoidance of doubt, the alignment of the Main Access Road shall be determined pursuant to Condition 1 (Reserved Matters Approval – Layout).

50. The Main Access Road shall be built to the boundary of the Site (denoted by Point C on Plan 14.273/928) within 72 months (six years) of the commencement of development. For the avoidance of doubt, the alignment of the Main Access Road shall be determined pursuant to Condition 1 (Reserved Matters Approval – Layout)

51. No demolition or construction works or construction related deliveries shall take place outside the following hours:

    7:30 to 18:00 Mondays to Fridays;

    8:30am to 13:00 Saturdays;

    No work shall be carried out at any time on Sundays or Bank Holidays.

52. The development hereby permitted shall not exceed 1080 dwellings.

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53. The 80 Extra Care Housing Units to be provided shall be used for C3 purposes only and for no other purpose, including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). This restriction shall apply notwithstanding any provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

54. The 'A Class' uses (A1, A2, A3, A4, A5) hereby permitted in the Local Centre shall not exceed a total of 2,150 sq.m. (gross internal floorspace).

55. The B1a use class hereby permitted in the Local Centre shall not exceed a total of 200 sq.m. (gross internal floorspace).

56. The D1 use class hereby permitted in the Local Centre shall not exceed a total of 500 sq.m. (gross internal floorspace).

57. There shall be no deliveries to any non-residential buildings outside the hours of 07:30 to 19:00 Monday to Saturday or at any time on Sundays or Bank or Public Holidays.

58. The 80 Extra Care Housing Units to be provided shall not be occupied other than by persons who have attained the age of 55 years, or the spouse or partner of such persons including a widow or widower(s), or, by exception and as agreed in writing by the Local Planning Authority prior to occupation, for people below the age of 55 years who are not able to live independently without assistance.

Richborough Estates

The Planning Inspectorate

Report to the Secretary of State

by Lesley Coffey BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Date 29 November 2021

Richborough Estates

TOWN & COUNTRY PLANNING ACT 1990

WEST BERKSHIRE COUNCIL

APPEAL BY

BLOOR HOMES and SANDLEFORD FARM PARTNERSHIP

PROPOSED DEVELOPMENT AT

SANDLEFORD PARK, NEWTOWN ROAD, NEWBURY

Inquiry Held on 5-28 May 2021

Sandleford Park, Newtown Road, Newbury

File Ref: APP/W0340/ W/20/3265460

Abbreviations Used in this Report

ADPP1	Area Delivery Plan Policy1
ADPP2	Area Delivery Plan 2
AIA	Arboricultural Impact Assessment
ATI	Ancient Tree Inventory
AONB	Area of Outstanding Natural Beauty
BNG	Biodiversity Net Gain
CEMP	Construction Environment Management Plan
CEZ	Construction Exclusion Zone
CMS	Construction Management Strategy
CTMP	Construction Traffic Management Plan
DNH	Donnington New Homes
DPC	Development Parcel Central
DPD	Development Plan Document
DPN1	Development Parcel North 1
DPN2	Development Parcel North 2
EFT	Emissions Factor Toolkit
EMMP	Ecological Mitigation and Management Plan
EPS	European Protected Species
FRA	Flood Risk Assessment
GLVIA	Guidelines for Landscape and Visual Impact Assessment
HPI	Habitat of Principle Importance
HSA DPD	Housing Site Allocation Development Plan Document
LCA	Landscape Charter Assessment
LAP	Local Area of Play
LCWIP	Local Cycling and Walking Plan
LEAP	Locally Equipped Play Area
LGIDMP	Landscape and Green Infrastructure Design and Management Plan
LVIA	Landscape and Visual Impact Assessment
LWS	Local Wildlife Site
MoU	Memorandum of Understanding
NEAP	Neighbourhood Equipped Area of Play
PMGRP	Purple Moor Grass and Rush Pasture
PPG	Planning Policy Guidance
R6	Rule 6
RPA	Root Protection Area
SOA	Super Output Area
SoCG	Statement of Common Ground
SLGIP	Strategic Landscape and Green Infrastructure Plan
SPD	Supplementary Planning Document
WBC	West Berkshire Council
WMS	Written Ministerial Statement

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WSI	Written Scheme of Investigation

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File Ref: APP/W0340/W/3265460
Sandleford Park, Newtown Road, Newbury

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Bloor Homes and Sandleford Farm Partnership against the decision of West Berkshire Council.
- The application Ref 20/01238/OUTMAJ, , was refused by notice dated 13 October 2020.
- The proposal is for outline planning permission, with all matters of detail reserved except for access for up to 1,000 new homes; 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.

Summary of Recommendation: The appeal be allowed, and planning permission granted subject to conditions

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1. Procedural Matters

1.1. The Inquiry opened on 5 May 2021 and sat for 15 days from 5 May to 28 May 2021. I carried out unaccompanied site visits on 23 April 2021 and 23 June 2021.

1.2. The appeal was recovered by the Secretary of State, by letter dated 25 February 2021, in exercise of his powers under section 79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990. The reason for this direction is that the appeal involves proposals for residential development of over 150 units which would significantly impact on the Government's objective to secure a better balance between housing demand and supply, and create high quality, sustainable, mixed and inclusive communities.

1.3. The application is submitted in outline with all matters except access reserved. Although access is a matter for determination the access arrangements within the site, together with appearance, scale, layout and landscaping are reserved for future consideration.

1.4. An Environmental Impact Assessment (EIA) has been undertaken and reported in an Environmental Statement (ES) in accordance with the Requirements of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

1.5. There were three Rule 6 parties (R6) to the Inquiry, Newbury Town Council (NTC), Greenham Parish Council (GPC) and Say No To Sandleford (SNTS).

1.6. I held a virtual Case Management Conference via the Teams platform on 5 March 2021. The procedure for the Inquiry and the timetable for the submission of documents were discussed at the meeting. [1]

[1] CD 17.30 Note of meeting

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Unilateral Undertaking and Conditions

1.7. The appellants submitted a Unilateral Undertaking (UU) to the Inquiry. This was discussed at a roundtable session.[2] A number of changes were agreed between the parties and the appellants were allowed additional time following the close of the Inquiry to submit the final draft version. This was received following the close of the Inquiry and is dated 30 June 2021.[3] The Council and R6 Parties were given time to comment on the UU and the appellants were provided with an opportunity to respond to these comments. The substantive comments made by the parties are included in the summary of their cases and are at P/ID10, P/ID11 and P/ID12.

1.8. The Council sought to submit further comments by email dated 20 July 2021, but this was returned to the Council, since it was submitted after the deadline for comments. The UU is discussed at section 14 below.

1.9. Following the submission of the UU a number of minor errors were noted and set out in a letter from the appellants.[4] The appellants propose a Deed of Modification should this be considered necessary. For the avoidance of doubt the Secretary of State (SoS) may wish to seek a Deed of Modification as proposed.

1.10. To save Inquiry time the draft conditions were addressed by an exchange of written submissions. These are discussed at Section 15 below.

Wheatcroft Documents

1.11. On 25 September 2020, prior to the determination of the application, the then applicants submitted comments on the consultation responses to the application, together with the following Appendices:

- Appendix 1: Visibility splays for the Monks Lane accesses;
- Appendix 2: A revision to the Flood Risk Assessment;
- Appendix 3: An Air Quality Assessment relating to Special Areas of Conservation; and
- Appendix 4: Information in response to Hampshire County Council's questions regarding highway matters.

The Council did not accept or consult on this material at that time. The material was submitted with the appeal.

1.12. The appellants' Statement of Case included, at Appendix 4, the Valley Crossing Study and at Appendix 5, an alternative Playing Field Scheme for the expansion of Park House School. An amended Arboricultural Impact Assessment (AIA) was submitted with the Appeal. The parties submitted a summary of the information submitted. Together these documents comprise the Wheatcroft Documents and were subject to a consultation exercise with

[2] ID67 & ID68
[3] P/ID14
[4] P/ID16

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interested parties and other relevant consultees. [5] The responses are reported at CD 6.6.

1.13. At the CMC the parties were advised to present their cases on the basis of the Wheatcroft Documents, but to explain the position should the SoS decide not to accept them. The 'Wheatcroft' judgement considered the issue of amendments in the context of conditions and established that *"the main, but not the only criterion on which….judgment should be exercised is whether the development is so changed that to grant it would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation"*.[6] An integral part of the legal test is therefore the issue of fairness to third parties. In the light of the consultation exercise, and the available evidence, I am satisfied that no party would be prejudiced were the appeal to be determined on the basis of the Wheatcroft documents, or the amended AIA.

Revised Framework

1.14. Following the close of the Inquiry the Government published an updated National Planning Policy Framework on 20 July 2021. The parties were provided with an opportunity to comment on any implications the changes may have for their cases. I have taken these comments into account in reaching my decision.

Reasons for Refusal

1.15. There were 14 reasons for refusal. Following the receipt of additional information, Highways England[7] and Natural England withdrew their objections to the proposed development. Consequently, as set out in the Council's Statement of Case the Council no longer pursues:

- Reason for refusal 7 in relation to the A34 trunk road;
- Reason for refusal 12 in relation to the impact on potential significant effects on European Designated Special Areas of Conservation (SAC), namely Kennet Valley Alderwoods SAC, Kennet and Lambourn Floodplain SAC and the River Lambourn; or
- The first part of reason for refusal 13 concerning the interrelationship of surface water runoff between the application site and the remainder of the Sandleford Strategic Site Allocation.

Having regard to the submitted information I have no reason to disagree with this approach and I have considered the appeal accordingly.

1.16. The proposal includes provision for expansion land for Park House Academy School, and a financial contribution towards the expansion of the School in order to mitigate the impact of the proposed development on secondary education provision, as required by Policy CS 3 of the Core Strategy. Reason

[5] CD6.1
[6] Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]. This decision has since been confirmed in Wessex Regional Health Authority v SSE [1984] and Wadehurst Properties v SSE & Wychavon DC [1990] and Breckland DC v SSE and T. Hill [1992}.
[7] Now National Highways

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for refusal 10 was concerned that the land identified for an additional sports pitch would result in the loss of an ancient tree (T34), as well as a number of trees and the hedgerow along its western boundary, while also encroaching onto the buffer to the Barns Copse ancient woodland.

1.17. The Council and the appellant continued to discuss this matter throughout the Inquiry, and the area of land, together with the necessary mitigation measures, have now been agreed. This mitigation is secured by the UU and this matter is no longer in dispute between the parties. I return to this matter below.

1.18. Reason for refusal 4 concerned the provision of affordable housing. Although the proposal satisfied the overall 40% affordable housing requirement, the proportion of affordable rented and social rented units, including the approach to the 80 extra care units, was unacceptable to the Council. This matter was subject to ongoing discussions between the Council and appellants during the course of the Inquiry. The parties now agree that, subject to the planning obligations within the UU, the proposed development would deliver the necessary affordable housing and would accord with Policy CS6 of the Core Strategy in this respect. The agreed position is set out in the Statement of Common Ground (SoCG).[8] I have therefore considered the appeal on the basis that the Park House School Expansion Land and the provision of affordable housing is now agreed between the Council and the appellants. These matters are discussed below.

Inconsistencies and Contradictory Information

1.19. The Council is concerned that there are a number of inconsistencies between various documents. These were set out in the Council's planning evidence and are referred to below where relevant. [9]

2. Planning History and Background

2.1. The application site forms the majority of the Sandleford Park Strategic Site Allocation (SSSA) defined by Policy CS 3 of the West Berkshire Core Strategy (2006-2026). The allocation is identified for development of up to 2,000 dwellings with associated infrastructure, including education, community uses, public open space and new highways infrastructure.

2.2. The Sandleford Park allocation includes both the application site and land at New Warren Farm to the west which is being brought forward through a separate planning application by Donnington New Homes.[10]

2.3. The Donnington New Homes application is known as 'Sandleford Park West' and includes up to 500 new residential dwellings. The submitted "combined plans" have sought to illustrate one way in which the Appeal Scheme may be

[8] ID Affordable Housing Statement of Common Ground
[9] Mr Grigoropoulos PoE Appendix NG1
[10] LPA Ref:18/00828/OUTMAJ

aligned with the December 2019 development proposals advanced by Donnington New Homes (DNH).[11]

2.4. The applicants have submitted four previous planning applications for residential-led mixed-use development at Sandleford Park. The first three of these applications were refused by West Berkshire Council (WBC), with application 18/00764/OUTMAJ disposed of by the Council (meaning that the period for determination and appeal of the application has expired no decision has been made).

2.5. Application *15/02300/OUTMAJ* was a hybrid planning application for the entire allocation for up to 2,000 new homes, 80 extra care dwellings (C2), a local centre to comprise flexible commercial floorspace and community uses (D1), and 2 two form entry Primary schools. The application was refused in 2017.[12]

2.6. Application *16/00106/OUTMAJ* was a hybrid planning application submitted in December 2015, for full permission for 337 dwellings and an outline proposal for a two form entry Primary School on a parcel of land immediately south of Monks Lane (Development Parcel North 1) which forms part of SSSA. This application related to the first phase of development of application 15/02300/OUTMAJ and was refused by WBC in November 2017.[13]

2.7. Application *16/03309/OUTMAJ* was submitted in December 2016 for the same land as the appeal site. The proposal was for outline planning permission for up to 1,000 new homes (Use Class C3); an 80-bed care housing facility (Use Class C2) as part of the affordable housing provision; a new 2 form entry Primary School (Use Class D1); a local centre to comprise flexible commercial floorspace; 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. The application was refused in December 2017. The Local Planning Authority's decision notice set out 28 Reasons for Refusal, which focused on their concern that the proposed development did not cover the whole of the allocated site, was not a comprehensive development scheme, that infrastructure would not be provided in a co-ordinated manner, and, that the piecemeal development would prejudice the delivery of the remaining allocated land.[14]

2.8. Application *18/00764/OUTMAJ* was submitted in April 2018 and has the same application boundary as the appeal scheme. The proposal was for up to 1,000 new homes; 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; the formation of a 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. This application was disposed of by the Council in September 2020.[15]

[11] CD 14
[12] CD 13.1
[13] CD 13.2
[14] CD 13.3
[15] CD 13.4

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2.9. DNH submitted an amended application proposal (18/00828/OUTMAJ) on 25 September 2020 for the development of the remainder of the allocation together with an area of adjoining land known as Sanfoin.

2.10. A Memorandum of Understanding (MoU) was agreed between the appellants and Donnington New Homes at that time which illustrated how the two schemes were aligned in terms of land uses and set out the respective infrastructure commitments for each site, demonstrating how they would deliver the complete package of infrastructure required for the entire site allocation.[16]

2.11. In December 2020 DNH submitted a planning application proposing the widening of Warren Road to provide access for their development to Andover Road.[17] The Council has issued a screening opinion that the Warren Road application proposal is EIA development, thereby requiring an Environmental Statement (ES).

2.12. In addition, the Council has suggested that the Warren Road proposals in application *20/03041/FUL* are amalgamated into the current DNH residential application for Sandleford Park West (*18/00828/OUTMAJ*), along with an updated ES.

2.13. On 2 February 2020 the Council wrote to DNH requesting that the Warren Road access proposal should be incorporated into application 18/00828/OUTMAJ. This will, amongst other things, require the EIA for that application to be updated to take account of the access proposal. This application has not yet been determined.

3. The Appeal site and its surroundings

3.1. The Appeal Site forms a substantial part of the land allocated as the Sandleford Park Strategic Site in the adopted Core Strategy – Policy CS 3. The Appeal Site comprises approximately 114 hectares and is principally in agricultural use. The Site is divided between the town of Newbury and the parish of Greenham.

3.2. The Site is located immediately to the south of the built-up area of Newbury, the main urban area in the District. Newbury Rail Station is approximately 2kms from the Site, with the Town Centre being slightly further away.

3.3. The site is bounded by Monks Lane to the north; Newbury College, a public house and day nursery to the north east; Newtown Road (A339) and a household waste recycling centre and the recently completed Highwood Copse School to the east; Newbury Rugby Football Club, a gym and Falkland Surgery to the north west; Park House School and Sports College and agricultural land at New Warren Farm and Sanfoin (the Sandleford Park West site) to the west; and by the River Enborne to the South.

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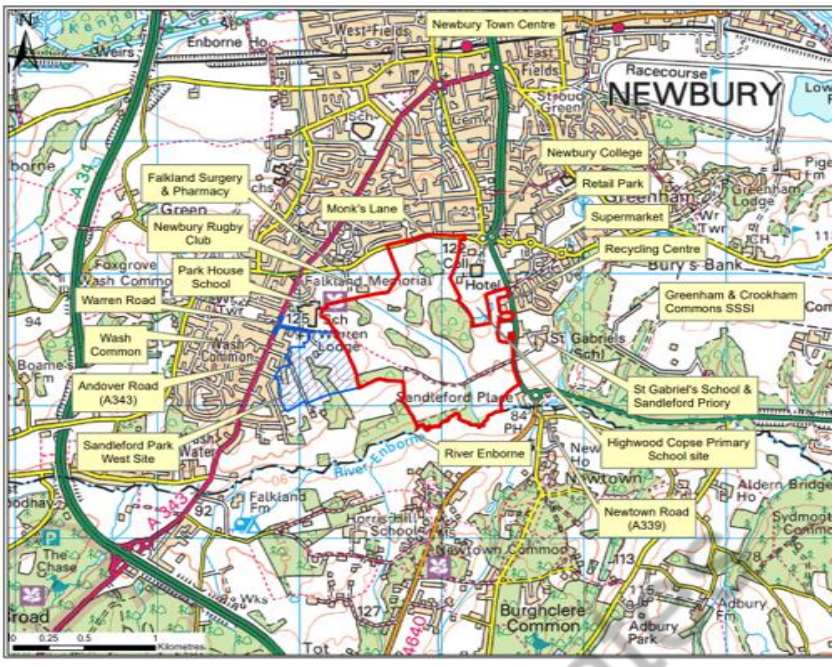
[16] CD 1.16
[17] LPA Ref 20/03041/FUL



3.4. Sandleford Priory (now St Gabriels School), a Grade I listed building lies on the opposite side of the A339, with Sandleford Park, a Grade II registered park.

3.5. The Appeal Site contains several areas of ancient woodland and Local Wildlife Sites: Crooks Copse, Slockett's Copse, High Wood, Barn Copse, Dirty Ground Copse and Waterleaze Copse. Gorse Covert is not an ancient woodland but is a Local Wildlife Site. All the trees on the application site and within the immediate locality are subject to Tree Preservation Orders.[18] The Site is divided into a number of fields, which are bounded by hedgerows.

3.6. The Site has a complex topography but generally slopes downwards from north to south towards the river Enborne. Figure 7.2 of the ES (CD1.8) illustrates the Appeal Site's topography; a valley lies in a relatively central location within the site which runs from the north-west corner until it reaches the river Enborne in the south-east corner. The fringes of the site are flat or gently sloping land.

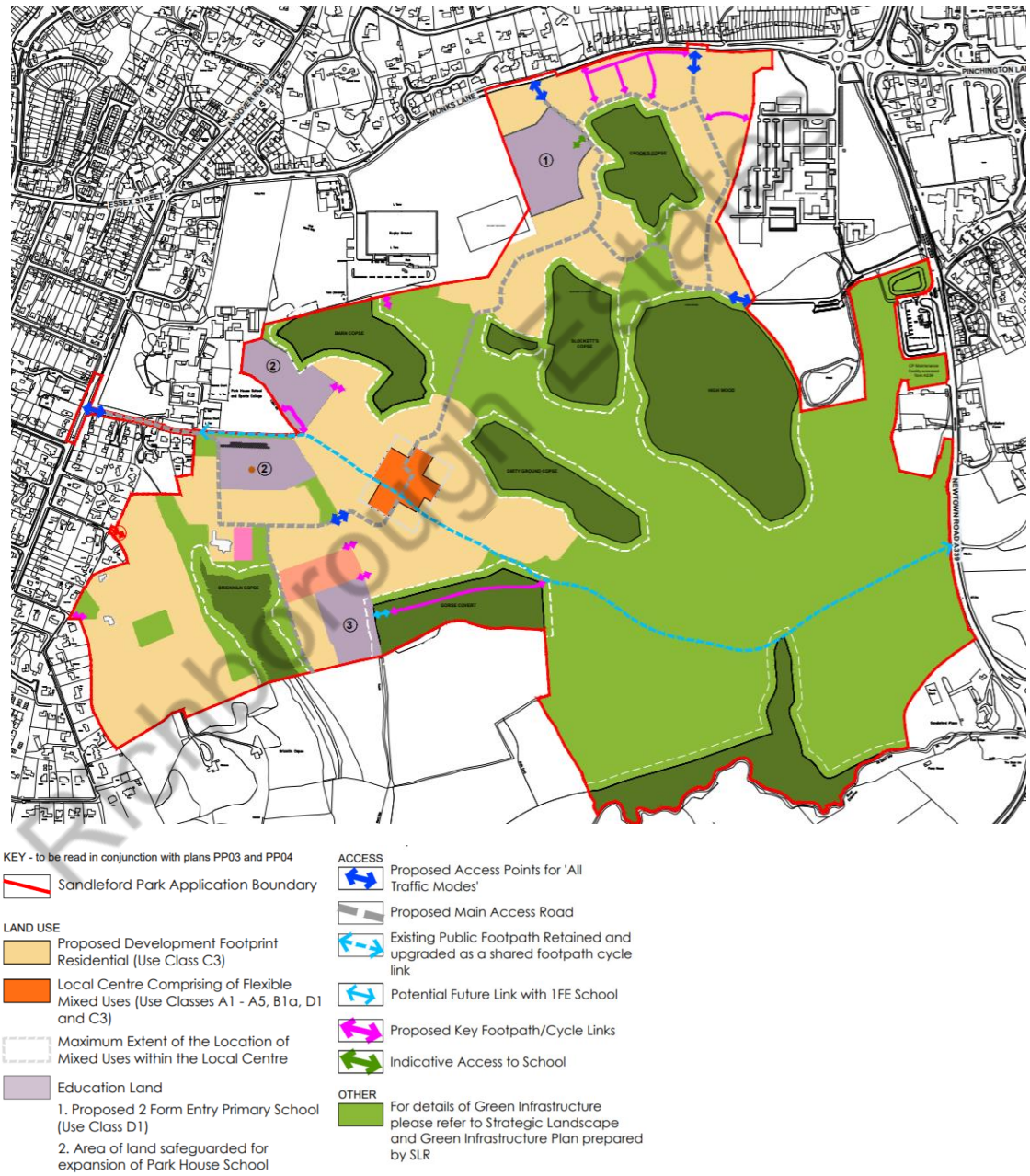
3.7. There are no major access routes into the Site, but a public footpath (GREE/9) runs through the Site from its western boundary to Newtown Road (A339) in the east.

3.8. The remaining part of the allocation is known as New Warren Farm and forms part of the Sandleford Park West site. The boundary between the Appeal Site and Sandleford Park West is defined by hedgerows and tree belts. New Warren Farm is currently accessed via Warren Road, which links directly to Andover Road. Warren Road is partly un-surfaced and provides access to a number of residential properties.

[18] TPO 201/21/1016-W15-MIXED and TPO 201/21/0472 - A1).

4. The Proposal

4.1. The submitted plans include details of the eastern and western access from Monks Lane. Although the proposal is in outline the appellants have submitted a Green Infrastructure Parameter Plan (drawing number 14.273/PP03 Rev G1); a Building Heights Parameter Plan (drawing number 14.273/PP04 Rev G1); a Strategic Landscaping and Green Infrastructure Plan (drawing number 04627.00005.16.632.13) and a Land Use and Access Parameter Plan (drawing number 14.273/PP02 Rev H1). It is intended that the planning permission should be tied to these plans, other than where they diverge to reflect the current position in terms of the Primary School and Park House School expansion.



Land Use and Access Plan 114.273. PP02 Rev H1

4.2. Built development is focused to the north and west of the appeal site. This reflects the arrangement of development land referred to in Core Strategy Policy CS 3, the Core Strategy's Concept Plan and the Framework Masterplan that is part of the Sandleford SPD. The proposal includes three main development areas, Development Parcel North 1 (DPN1), Development Parcel North 2 (DPN 2) and Development Parcel Central (DPC).

4.3. The focus is on the provision of family housing with 65% of the proposed dwellings being family accommodation. Affordable housing is to be delivered throughout the site and will comprise 40% of dwellings including the Extra Care Units. Residential densities on the site range between 30 and 50 dwellings per hectare, which accords with the Core Strategy Policy CS 4 and the Sandleford SPD.

4.4. A mixed-use local centre is proposed in Development Parcel Central. This would be accessible both to residents of the proposed development and also those at Sandleford Park West. The Local Centre would allow for flexible floorspace to be developed within the A, B1a, and D1 use classes, as well as residential development

4.5. A new two-form entry Primary School is proposed in DPN1, together with areas of amenity space, a Locally Equipped Area of Play (LEAP) and a community orchard.

4.6. The internal highway network would connect both to DPN2 and to the eastern boundary of the application site at Newbury College to adjoin with the new access road that is currently being built to connect to the A339. A highway link would be constructed south of Crooks Copse to connect the two areas of residential development west and east of this woodland; this is referred to in various documents as the Crooks Copse Link. Pedestrian and cycle links are also proposed from Monks Lane.

4.7. DPN2 will comprise residential development. The main access road would extend from DPN1 through DPN2 to the Central Valley Crossing. The Wheatcroft documents include the Central Valley Crossing Study. This provides alternatives to the embankment originally proposed. Whilst the Council remains concerned about the impact of the Central Valley Crossing, Option 3 is preferred by the Council and the appellants due to its reduced impact on biodiversity and trees, as well as the wider landscape. Option 3 proposes two separate structures adjacent to each other for crossing the valley. One would provide a walking/cycling route. It would be about 16 metres wide and would be available for use as an emergency access should it be necessary. As a consequence, the emergency access across the parkland would not be required.[19] Notwithstanding this, the detailed design and alignment of the Central Valley Crossing is reserved for future determination.

4.8. DPC would comprise residential development, the local centre, the Extra Care Housing and land for the expansion of Park House School. Pedestrian and cycle routes would be laid out within the development area connecting to the lane at the eastern extent of Warren Road, the area of land safeguarded for the expansion of Park House School.

[19] ID11 Transport SoCG Paragraph 3.15

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4.9. Pedestrian and cycle routes which link into Newbury's existing walking and cycling networks would be provided via Monks Lane. Off-site improvements have been identified at the following locations:

- Monks Lane and Pinchington Lane, Newton Road, Rupert Road, Chandos Road, Wenden Road;
- A339 to Deadmans Lane (as part of the Newbury College Link);
- via the PROW footpath GREE/9 and the A339 towards Greenham Common;
- Greenham Common Park; and
- along the A343 Andover Road.

4.10. The proposal includes new public transport provision in the form of a bus route, which will access and egress the site from Monks Lane.

4.11. Off-site junction improvements, derived from West Berkshire Council's VISSIM modelling of the overall scale of development at the Appeal Site and at New Warren Farm, are identified at the following locations:

- Newtown Road/Pound Street and Bartholomew Street/Market Street
- A339/Pinchington Lane/Monks Lane/Newtown Road
- A339/A343 St. John's Roundabout
- A339/B4640 Swan Roundabout
- A339 Access

4.12. These improvements will either be delivered by means of a financial contribution in the Section 106 Planning Obligation or by a Highway Works Agreement under Section 278 of the Highway Act 1980.

4.13. Approximately 50% of the overall site (excluding the areas of woodland) would be in the form of greenspace accessible for new and existing residents. The Country Park is located in the south eastern part of the site with an area of approximately 86 hectares including the existing areas of woodland. The green links throughout the site make connections via paths and open spaces between the wider urban area, Country Park, areas of ancient woodland, the Primary and Secondary Schools and children's play areas.

4.14. The area of Country Parkland and open space across the eastern and southern parts of the Site seeks to have regard to its landscape significance, the A339 approach to Newbury, and the registered historic landscape and setting of the former Sandleford Priory.

5. Policy

5.1. In addition to the National Planning Policy Framework (the Framework) and the Government's Planning Practice Guidance (PPG), reference was made to policies in the development plan and the Council's Supplementary Planning Documents.

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5.2. The Development Plan for the area includes:

- West Berkshire Core Strategy Development Plan Document (2006-2026) adopted in July 2012;
- Housing Sites Allocation DPD adopted in May 2017;
- West Berkshire District Local Plan 1991-2006 (Saved Policies 2007 as amended in 2012 and 2017);
- Replacement Minerals Local Plan for West Berkshire incorporating alterations adopted in December 1997 and May 2001; and
- Waste Local Plan for Berkshire adopted December 1998.

Core Strategy

5.3. *Area Delivery Plan Policy 1* (ADPP1) requires most new development to be accommodated within or adjacent to the settlements included in the defined settlement hierarchy. West Berkshire's main urban areas, including Newbury, will be the focus for most development. The scale and density of development will be related to the site's current or proposed accessibility.

5.4. *Area Delivery Plan Policy 2* (ADPP2) states that Newbury will accommodate approximately 5,400 new homes over the Core Strategy period, contributing to its role and function as the largest urban area in West Berkshire. This is equivalent to half of the Plan's housing requirement. It identifies two urban extensions including the SSSA.

5.5. Sandleford is expected to provide new residential neighbourhoods with supporting facilities and green infrastructure, be well designed and built to high environmental standards and integrated with the rest of the town through public transport and pedestrian/cycle links.

5.6. *Policy CS 1 Delivering New Homes and Retaining the Housing Stock* provides for the delivery of at least 10,500 net additional dwellings and associated infrastructure over the period 2006 to 2026. It states that the Site Allocations and Delivery Development Plan Document (Site Allocations DPD) will identify specific sites to accommodate the broad distribution of housing set out in the Area Delivery Plan policies and notes that Greenfield sites will need to be allocated adjoining settlements in all four of the spatial areas to accommodate the required housing. It states that all settlement boundaries will be reviewed in the Site Allocations and Delivery DPD.

5.7. *Policy CS 3 Sandleford Strategic Site Allocation* allocates Sandleford Park as a strategic site for a sustainable and high-quality mixed-use development. It sets out the parameters for the development of the site which is expected to deliver up to 2,000 dwellings at a density of between 30-50 dwellings per hectare. It also sets out required infrastructure improvements at Appendix D of the Core Strategy.

5.8. *Policy CS 4 Housing Type and Mix* expects residential development to contribute to the delivery of an appropriate mix of dwelling types and sizes to meet the housing needs of all sectors of the community, including those with specialist requirements. The mix on an individual site should have regard to the character of the surrounding area, the accessibility of the location and

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availability of existing and proposed local services, facilities and infrastructure and evidence of housing need and demand from Housing Market Assessments and other relevant evidence sources.

5.9. *CS 5 Infrastructure Requirements and Delivery* states that the Council will work with infrastructure providers and stakeholders to identify requirements for infrastructure provision and services for new development and will seek to co-ordinate infrastructure delivery, whilst protecting local amenities and environmental quality.

5.10. *CS 6 Provision of Affordable Housing* seeks 40% affordable housing provision on Greenfield sites for 15 or more dwellings.

5.11. *CS 13 Transport* sets out a number of criteria which new development will be required to achieve, including: reducing the need to travel, improving travel choice and facilitating sustainable travel; demonstrating good access to key services and facilities; minimising the impact of all forms of travel on the environment and helping tackle climate change; and mitigating the impact of development on the highway network.

5.12. *CS 14 Design Principles* requires new development to demonstrate high-quality and sustainable design that respects and enhances the character and appearance of the area, making a positive contribution to the quality of life in West Berkshire. It includes a range of design principles that new developments should respond to.

5.13. *CS 15 Sustainable Construction and Energy Efficiency.* This Policy is framed by the Core Strategy's Strategic Objective to reduce carbon dioxide emissions. The first part of the policy relates to the Code for Sustainable Homes which is now withdrawn. It also requires major development to achieve a minimum standard of construction achieving BREEAM Excellent and reductions in total CO2 emissions from renewable energy or low/zero carbon energy generation, and it requires residential development from 2016 to be zero carbon.

5.14. *CS 16 Flooding* requires Flood Risk Assessments for new development on sites of 1 ha or more in Flood Zone 1 and all sites in Flood Zone 2 or 3. On all development sites, surface water is expected to be managed through the implementation of sustainable drainage methods to provide attenuation to greenfield run-off rates and volumes and provide other benefits, such as water quality, biodiversity and amenity, where possible.

5.15. *CS 17 Biodiversity and Geodiversity* states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. The degree of protection given will be appropriate to the status of the site or species in terms of its international or national importance. Development which may harm, either directly or indirectly, locally designated sites, or habitats or species of principal importance for the purpose of conserving biodiversity, or the integrity or continuity of landscape features of major importance for wild flora and fauna, will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species. New development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan.

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5.16. *CS 18: Green Infrastructure* states that the District's green infrastructure will be protected and enhanced. New developments will make provision for high quality and multifunctional open spaces of an appropriate size and will also provide links to the existing green infrastructure network. Specific standards for provision within new developments will be identified in the master-planning for strategic sites. Developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted.

5.17. *Policy CS19 Historic Environment and Landscape Character* aims to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced. Proposals for development should be informed by and respond to:

a) The distinctive character areas and key characteristics identified in relevant landscape character assessments including Historic Landscape Characterisation for West Berkshire and Historic Environment Character Zoning for West Berkshire.

b) Features identified in various settlement character studies including Quality Design - West Berkshire Supplementary Planning Document, the Newbury Historic Character Study, Conservation Area Appraisals and community planning documents which have been adopted by the Council such as Parish Plans and Town and Village Design Statements.

c) The nature of and the potential for heritage assets identified through the Historic Environment Record for West Berkshire and the extent of their significance.

The Housing Site Allocations DPD (Adopted May 2017)

5.18. *Policy GS 1 General Site Policy* states that all sites are to be developed in accordance with the West Berkshire development plan and adopted Supplementary Planning Documents (SPDs) and Guidance. It also requires each allocated site to be master-planned and delivered as a whole to achieve a comprehensive development that ensures the timely and coordinated provision of infrastructure, services, open space and facilities. It requires a single planning application to be submitted for each allocated site to ensure that a comprehensive approach to development is achieved.

5.19. Policy GS1 also includes criteria related to environmental considerations, namely water supply and drainage, accessibility by non-car transport modes, walking and cycling routes, impacts on the local road network, consideration of policies in the Replacement Minerals Local Plan, landscape assessment and design of green infrastructure and public open space, high quality design to respond to the character of the surrounding area, provision of infrastructure to meet the needs that arise from the development, and impacts on habitats and species of principal importance to the conservation of biodiversity.

5.20. *Policy C 1 Location of Housing in the Countryside* introduces a presumption in favour of development within the adopted boundaries of settlements, as well as a presumption against new residential development outside of the settlement boundaries. It states that planning permission will not be granted where a proposal harms or undermines the existing relationship of the

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settlement within the open countryside, where it does not contribute to the character and distinctiveness of a rural area, including the natural beauty of the AONB or where development would have an adverse cumulative impact on the environment or highway safety.

West Berkshire District Local Plan (1991-2006) (Saved Policies 2007)

5.21. The relevant policies are OVS.5 and OVS.6 which address environmental nuisance and pollution control and noise pollution respectively. TRANS1 seeks to meet the need of new developments through the provision of a range of facilities associated with different transport modes including public transport, walking, cycling and parking provision. Similar requirements are found at Policy CS 13.

5.22. Policy SHOP.5 encourages proposals for the provision of local shops within new residential areas to support the increased demand for such provision in areas of new development. This objective is similarly set out in Policy CS 3 of the Core Strategy in relation to Sandleford Park.

5.23. Policies RL1, RL2 and RL3 – Public Open Space Provision in Residential Development Schemes sets out a standard for open space provision ranging between 3 and 4.3 hectares per 1000 population. The form, scale and distribution of such provision is to be considered in the context of individual circumstances. Core Strategy Policy CS 3 provides specific requirements for the provision of open space at Sandleford Park.

Replacement Minerals Local Plan for Berkshire (2001)

5.24. This sets out policies for mineral extraction in Berkshire over the period to 2006. The relevant saved policies are:

Policy 1: Local planning authorities will seek to husband the mineral resources of Berkshire to prevent their wasteful use or sterilisation.

Policy 2: Local planning authorities will oppose development proposals which would cause the sterilisation of mineral deposits on proposed development sites unless there is an overriding case in favour of the proposed development proceeding without the prior extraction of the minerals.

Policy 2a: Local planning authorities will in appropriate cases encourage the extraction of minerals prior to other more permanent forms of development taking place.

Waste Local Plan for Berkshire (1998)

5.25. No conflict is alleged with this Plan which sets out detailed land use policies for the treatment and disposal of waste in the County. It also identifies Preferred Areas for Waste Management Uses (Policy WLP11). The Appeal Site is not within such an area.

Local Plan Review

5.26. The Council has commenced a Local Plan Review. There was a second Regulation 18 consultation in December 2020. At the time of the Inquiry the Council was reviewing the consultation responses. In accordance with

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paragraph 48 of The Framework, the weight to be given to the relevant policies is dependent on the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency with the relevant policies in the emerging plan to the Framework.

5.27. *Policy SP 12 Approach to Housing Delivery* states that provision will be made for 8,840 to 9,775 net additional homes in West Berkshire for the period 1 April 2020 to 31 March 2037. The supporting text states that of the approximately 5,000 units already allocated, only 1,071 had been completed by March 2020. Retained allocations will therefore form a substantial part of the supply. The contribution to housing supply from existing allocations has been reviewed to take account of any more detailed information about site constraints and re-assessment of site deliverability in the light of progress since the original allocation.

5.28. *Policy SP 16 Sandleford Strategic Allocation* identifies the current allocation for a residential development of approximately 1,500 dwellings. It states that the site will be delivered to achieve a sustainable, comprehensive development and ensure the timely and co-ordinated provision of infrastructure and that the Council will be supportive of proposals which have regard, and positively respond, to the Sandleford SPD (2015). It sets out the expectations for the site which are broadly similar to Policy CS 3. The essential differences from Policy CS 3 are:

- The reference to on-site renewables is placed in the context of assisting in the delivery of a carbon neutral development.
- It specifies four primary all-vehicle accesses: two off Monks Lane, one through to Andover Road via Warren Road and one on to the A339.
- The sustainable transport routes referred to connect the A339, Monks Lane and Andover Road for pedestrians, cyclists and public transport.
- A Minerals Resource Assessment would need to be provided.

5.29. Whilst details of the objections were not submitted to the Inquiry, I am aware that SNTS objects to both the allocation of the site and the proposal to afford access via Warren Road. Therefore having regard to the stage the plan has reached and the unresolved objections, I afford little weight to Policy SP 16.

Supplementary Planning Documents

Sandleford Park SPD (2015) (CD 8.14)

5.30. The Sandleford Park SPD was originally published in 2013. Following consultation it was amended in March 2015 to require the allocation to be brought forward by means of a single planning application for the site in order to achieve a comprehensive development and to ensure the timely provision of infrastructure, services, open space and other facilities in a properly coordinated fashion.

5.31. The primary purposes of the Sandleford Park SPD (as amended) are to:

- Guide future development at the SSSA and investment and to provide a framework for a planning application for the SSSA.

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- To assist in the delivery of a comprehensive and sustainable development across the SSSA as a whole.

Sandleford SPD Masterplan Framework Figure 13

- To set out a whole range of planning and design principles and requirements for the development of land and buildings at the SSSA.

- To help inform the local community and other stakeholders regarding the potential future development of the SSSA and to engage them in the process.

Planning Obligations SPD (2014) (CD 8.14)

5.32. This sets out West Berkshire's approach to securing planning obligations and developer contributions towards local infrastructure, services and amenities.

5.33. Various topic papers set out individual service area requirements such as affordable housing, transport, education, public libraries, community facilities, health care provision, open space, waste management, environmental enhancements, archaeology, conservation and the historic environment, provision of fire and rescue infrastructure, preventing crime and disorder and adult social care.

Sustainable Urban Drainage Systems (2018) (CD 8.16)

5.34. This outlines the design principles required to deliver SuDS as sought by Policy CS 16 of the Core Strategy. It provides advice on integrating SuDS within new development to deliver the multiple benefit drainage systems that are expected. The SPD is to be read in conjunction with CIRIA SuDS Manual (C753).

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5.35. It identifies what an Applicant should provide at the Outline Planning application stage and the information that should be provided in conjunction with reserved matters applications referring to a detailed sustainable drainage strategy at that time.

Quality Design SPD (2006) (CD 8.17)

5.36. This SPD comprises a suite of documents. The parts relevant to this appeal are:

- Part 1- Achieving Quality Design, which includes references to permeability and connectivity; and
- Part 4 – Sustainable Design Techniques, which includes references to incorporating renewable energy within development proposals

Newbury Town Design Statement (2018) (CD8.24)

5.37. The Town Design Statement was prepared by Newbury Town Council and relates to the Newbury ward as defined by the Town Map on page 2. It extends to the Appeal Site at its northern extent, south of Monks Lane, whilst the Wash Common character area extends across the DNH site.

5.38. To the north of the Appeal Site is the area referred to as 'South and City'. This comprises the Andover Road north of Wash Common and most of the residential side roads feeding into it, the housing between it and the Old Newtown/Newtown Roads. Monks Lane forms the southern edge, corresponding with the boundary of Newbury Town itself.

5.39. Monks Lane forms the northern boundary of the Appeal Site and the Key Characteristics are listed as well as the following suggested principles:

- Any future development should conserve the semi-rural character of Monks Lane.
- Any future development should conserve the character, setting and symmetry of the 1930s homes at the eastern end of Monks Lane.
- Where possible, opportunities should be taken to enhance the setting around the junction of Monks Lane and Newtown Road to reflect its role as a gateway into the Town from the south.

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6. Agreed Matters between the Appellants and the Council

6.1. A SoCG sets out the matters agreed and those not agreed.[20] The SoCG was completed prior to the acceptance of the Wheatcroft documents and therefore reflects the position at that time. The parties also submitted a Transport SoCG and Appendices prior to the Inquiry, and a SoCGs in relation to Arboricultural matters, affordable housing and the Park House School expansion land during the Inquiry.[21]

6.2. The Appeal Site is in a highly accessible location. Newbury is the main urban area in the District and has a range of facilities and services within a

[20] CD 9.1
[21] ID11 & ID12, ID24, ID56,ID20

convenient walking distance of the Site. However, the existing facilities at the catchment schools and the surgery do not have the capacity to accommodate the level of additional demand arising from the development of the Site and the strategic allocation.[22]

6.3. The proposed building heights shown on the Building Heights Parameter Plan are appropriate. The density of development – which would vary between 30 and 50 dwellings per hectare – is appropriate and consistent with Policies CS 3 and CS 4 of the Core Strategy and the Character Areas set out in the SPD. The unit size mix of housing, as set out in the Planning Statement, meets the requirement in Policies CS 3 and CS 4 for an emphasis on family housing. [23]

6.4. Primary Education - The proposal identifies land for a 2 Form Entry Primary School with nursery class, in accordance with the adopted Sandleford SPD. The School is necessary to mitigate the impact of the development. The proposed location and capacity of the School have been agreed between the parties.[24]

6.5. Secondary Education - Mitigation of the impact of the development on secondary education will need to be secured through a satisfactory s.106 Planning Obligation. This mitigation should comprise both financial contributions and land provision to ensure the expansion of accommodation and facilities at Park House School.[25]

6.6. The location of the Local Centre identified on the Land Use and Access Parameter Plan is appropriate and in accordance with the Masterplan Framework (Fig.13) in the Sandleford SPD. The proposed uses in the Local Centre are in accordance with Policy CS 3.[26]

6.7. The 'Crooks Copse' highway link was included at the request of the Local Planning Authority. The absence of an east-west link to the south of Crooks Copse was a reason for refusal in respect of applications 15/02300/OUTMAJ and 16/00106/OUTMAJ. A proposed access via Warren Road is currently the subject of outstanding applications, 18/00828/OUTMAJ and 20/03041/FUL which are not within the control of the appellants. The location of pedestrian and cycle accesses identified on the Land Use and Access Parameter Plan (14.273 PP02 rev H1) allow connectivity with adjoining land uses. These are similar to those shown on the Masterplan Framework (Fig.13) in the Sandleford SPD and would provide access to local destinations by walking and cycling.[27]

6.8. The Council consider that there is a concern in respect of the two proposed walking and cycle routes along the Central Valley, which are affected by the refused embankment design for the central valley crossing. The detailed design of these pedestrian and cycle links (not the route) can be determined

[22] SoCG Paragraph 5.4
[23] SoCG Paragraph 6.3,6.4,6.6
[24] SoCG Paragraph 6.7
[25] SoCG Paragraph 6.8
[26] SoCG Paragraph 6.9
[27] SoCG Paragraph 6.12, 6.13, 6.14

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by the Detailed Landscape and Green Infrastructure Design and Management Plan for the Country Park and reserved matters in due course.[28]

6.9. The submitted "combined plans" have sought to illustrate one way in which the Appeal Scheme may be aligned with the December 2019 development proposals advanced by DNH.[29]

6.10. The detailed design of the Green Links within the Site can be secured at the reserved matters stage.[30] The construction of the access points on to Monks Lane as required by Policy CS 3 will result in the loss of vegetation which will change its character. The Sandleford SPD sets out the design principles and criteria for Character Area CA4 Monks Lane. These include the need to maintain the character of Monks Lane through the strategic planting planned for the site.[31]

6.11. An appropriate scheme for the management and maintenance of the Country Parkland can be secured by appropriate pre-commencement condition(s). The extensive area of recreation space to be provided in the form of the Country Parkland will meet the needs of the resident population and is unlikely to encourage increased visitor pressure at Greenham Common SSSI provided adequate management and maintenance of the Country Parkland is secured, including the provision of a full-time warden. It is not necessary for the proposed development to mitigate any impacts at Greenham Common SSSI provided adequate management and maintenance of the Country Parkland is secured, including the provision of a full-time warden. In principle, a two-phased delivery of the Country Park is appropriate.[32]

6.12. The proposed development does not give rise to any building conservation considerations. The arrangement of the proposed land uses and the provision of strategic tree planting early on in the development of the site would preserve the setting of Sandleford Priory (Grade 1 listed house and Grade II Registered Park).[33] Warren Lodge and Squirrel Cottage are both Grade II listed buildings separated from the Appeal Site by current built development or future built development associated with New Warren Farm. The proposed development will not affect the significance of these heritage assets.[34]

6.13. The Council's VISSIM model has been used by the appellants to assess the traffic impacts of all of the accesses proposed in this development and the additional vehicular access to the A343 Andover Road via Warren Road. The inputs to the model and the scenarios run were agreed by the Council. With the implementation of the mitigation required by the Local Highway Authority the residual cumulative impacts on the road network would not be severe.[35]

[28] SoCG Paragraph 6.15 This route has been superseded by the Central Valley Crossing Option 3 route.
[29] SoCG Paragraph 7.1
[30] SoCG Paragraph 8.2
[31] SoCG Paragraph 8.3
[32] SoCG Paragraph 8.5, 8.6, 8.9
[33] SoCG Paragraph 9.1
[34] SoCG Paragraph 9.2
[35] SoCG Paragraph 10.1,10.4

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6.14. The highway modelling demonstrates that the proposed development as part of this appeal does not require a vehicular access to be constructed onto Warren Road/Andover Road. [36]

6.15. The pedestrian and cycle improvements listed in the Transport Assessment are agreed by the Council subject to appropriate mechanisms and triggers to secure these works. The relevant car parking and cycle parking standards could be achieved through reserved matters.[37]

6.16. Assessment of fluvial flood risk shows the land (aside from the River Enborne corridor) to lie in Flood Zone 1 and hence to be a preferred location for residential development when considered in the context of the Sequential Test within the Framework. Policy CS 16 requires surface water to be managed in a sustainable manner through the implementation of Sustainable Drainage Methods. The appellants' drainage proposals are based on implementation of Sustainable Urban Drainage measures. The Council however has concerns regarding the detailed proposals. The Council is no longer pursuing the issue of the interrelationship of surface water runoff between the appeal site and the remainder of the Sandleford Strategic Site Allocation.[38]

6.17. The Council has concerns regarding the badger and bat surveys, but consider that the other ecological surveys are appropriate for the purpose of the ecological impact assessment. The Council does not seek to pursue any matters relating to Woodpasture and Parkland BAP priority habitat.[39]

6.18. The proposed Country Park will provide a destination for new and existing residents, helping to mitigate increased recreational pressure on other valued sites in the local area. A detailed scheme for the management and maintenance of the Country Park and ancient woodlands can be secured by appropriate pre-commencement condition(s). The proposed development achieves a biodiversity net gain (BNG). However, the Council considers that this BNG assessment does not account for the degradation of retained existing habitats and their inhabiting species on site over time.[40]

6.19. A planning condition relating to incidental mineral extraction is appropriate and addresses the mineral safeguarding designation in the Replacement Minerals Local Plan (May 2001).[41]

6.20. The submitted Noise Assessment is appropriate to determine the effects of the proposed development on noise receptors close to the site. The Environmental Health Officer did not object to the proposed development subject to a planning condition securing a noise mitigation scheme. Noise from construction activities can also be satisfactorily mitigated by measures included in a Construction Environment Management Plan (CEMP). [42]

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[36] SoCG Paragraph 10.5
[37] SoCG Paragraph 10.7, 10.10
[38] SoCG Paragraph 11.1, 11.4
[39] SoCG Paragraph 12.1, 12.2,12.3, 12.4
[40] SoCG Paragraph 12.5, 12.6,12.7
[41] SoCG Paragraph 13.1
[42] SoCG Paragraph 14.1,14.2

6.21. Air quality impacts from construction activities can be satisfactorily mitigated by measures included in a CEMP. The appellants submitted information directly to Natural England who confirmed to the Council on 16 November 2020 that it agreed with the conclusions in the information submitted on 25 September 2020 that air quality impacts on nearby European sites can be ruled out both alone and in combination. Natural England therefore remove their previous objection to the proposal and reason for refusal 12 is no longer being pursued by the Council. [43]

6.22. Since 2017 the Council has not included the delivery of any development at SSSA within its five-year housing land supply, because of uncertainty as to when development on site might commence. The Council can demonstrate a housing supply of 7.67 years for the period April 2019 to March 2024. It is agreed that the Council has a robust five-year housing land supply, without relying on any residential units at Sandleford Park.[44]

Transport SoCG

6.23. This sets out the walking and cycling links within the site and within the surrounding area, as well as the distance to local facilities. It provides details of local bus links and the strategy for the proposed bus service, as well as a Travel Plan.

6.24. It confirms that;

- The Appeal Site is in a highly accessible location.
- Provided the improvements to the walking and cycling routes summarised above are secured through appropriate obligations, it is agreed that the Appeal Site has good quality walking and cycling links to the town centre, rail station, and local amenities.
- Provided the phased bus service improvements are introduced it is agreed that the Appeal Site will have a good quality bus service which can be further enhanced with the addition of the DNH element of the SSSA and the creation of a bus link to Andover Road.[45]

6.25. It sets out the access arrangements to the Site and confirms that on the basis of the current proposals for the Central Valley Crossing a separate Emergency Access is not required.

6.26. It is agreed that:

- The vehicle trip rates and transport modelling were agreed with the Council. Subject to mitigation the residual cumulative impacts on the road network would not be severe.
- The highway modelling demonstrates that the proposed development does not require a vehicular access to be constructed onto Warren Road/Andover Road.[46]

[43] SoCG Paragraph 15.1,15.2
[44] SoCG Paragraph 17.1,17.2, 17.3
[45] ID11 Section 2
[46] ID11 Paragraphs 4.8, 4.9

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6.27. It summarises the Highways Mitigation.[47]

7. Case for Bloor Homes and the Sandleford Farm Partnership

This summary of the case for the Appellants is based on the Closing Submissions, the Proofs of Evidence and other submissions to the Inquiry

Introduction

7.1. If the Secretary of State agrees with the appellants that the appeal proposals accord with the development plan when read as a whole, then the Council does not contend that the appeal should be dismissed nonetheless because of material considerations. The Council does not have a second ("other material considerations") step in its case.

7.2. In the event that the Secretary of State agrees with the Council that the appeal proposals do not accord with the development plan when read as a whole, it is our case that material considerations (namely, the considerable benefits the appeal proposals would bring) would indicate that the appeal should be allowed nonetheless.

7.3. The appeal site is, in the view of the Council, located in "the most appropriate location for strategic housing delivery in Newbury."[48] It constitutes 114 of the 134 hectares of the SSSA. The allocation is for up to 2,000 dwellings. At least 40% of the dwellings will be affordable and there will be an emphasis on family housing. Development is to be limited to the north and west of the site with a Country Park provided in the southern part of the site. The allocation includes provision for a local centre, a new Primary School and the extension of Park House School, as well as two vehicular accesses off Monks Lane.

7.4. The emerging Local Plan now envisages the wider site "*.. comprising approximately 1,500 dwellings*" (rather than up to 2,000).[49] This simply reflects the appeal application for some 1,080 homes together with the planning application for the rest of the Strategic Site Allocation, for 500 homes.

7.5. The Sandleford SPD sets out detailed guidelines for the distribution of uses and design of the site. It includes a Vision for Sandleford Park, 14 Strategic Objectives, 49 Development Principles and at Figure 13 a Masterplan Framework.

7.6. The appeal application incorporates everything in Policy CS 3 that it can reasonably be expected to deliver in order to make the application acceptable in its own right. It is a close fit with those of the detailed guidelines in the SPD which relate to this, the major part, of the wider allocation.

7.7. The appeal proposals accord with all the parameters in Policy CS 3 which are relevant to ensuring that the appeal application is acceptable in its own right and is, in and of itself, "a sustainable and high-quality mixed-use

[47] ID11 Section 5
[48] CD 8.13 West Berkshire Local Plan Review 2020 – 2037: Emerging Draft, para. 6.29
[49] CD 8.13 Policy SP16 page 61

development" and facilitates the bringing forward of the remainder of the overall allocation to the west...".

7.8. It is also similar to the Masterplan Framework within the SPD.[50] Reserved matters and appropriately drafted conditions and planning obligations would secure the delivery at the detailed design stage of the multitude of things the SPD aims to achieve.

7.9. Policy CS 3 requires appropriate buffers between the development and the ancient woodland. The SPD states that the buffer zones should be 15 metres for all the woodlands on the site (most of which are ancient woodlands). This can be secured by conditions, as indeed is acknowledged in the SoCG.[51]

Why then has the major part of an allocated site ended up at appeal?

7.10. We can see only two, limited, inconsistencies between the appeal application and the 13 development plan policies referred to in the reasons for refusal. These are that the application covers 85% rather than 100% of the site and that the homes are not Code for Sustainable Homes Level 6 as required by Policy CS 15. Notwithstanding this, we submit that the proposal would be in accordance with the development plan when read as a whole.

7.11. Moreover, the Council now proposes to delete Policy GS 1 and its aspiration for a single planning application and the Code for Sustainable Homes no longer exists. These material considerations dilute the meaningfulness of these inconsistencies with the development plan.

7.12. The Council, the appellants and DNH have been working together since 2017 to bring forward the SSSA via two applications, and this is now reflected in the emerging Local Plan Review which no longer requires a single application.

7.13. The Council's Planning Policy team does not object to the appeal application on the basis that it is a separate application to Sandleford Park West. It concluded that *"In policy terms, the development of the site is currently, in principle, in accordance with policy, due to its allocation within the .. Core Strategy."* [52] The only objection from the Council's Planning Policy team was that the proposal was not policy compliant in respect of affordable housing and renewables provision. Both of these have been overcome, the first by the planning obligation and the second by a planning condition.

7.14. *Policy GS1* seeks to achieve a comprehensive development that ensures the timely and coordinated provision of infrastructure, services, open space and facilities. The appeal proposals would not preclude, restrict or in any way prejudice the delivery of the remainder of the overall allocation on land to the west of the appeal site. Indeed, the appeal proposals would facilitate the achievement of the overall comprehensive development of the whole allocated Strategic Site by providing social and other infrastructure which would serve not only the residents of the circa 1,000 homes we propose but also the 500 homes proposed by DNH. These include:

[50] CD 8.14 figure 13 (P57)
[51] CD 9.1 Para 8.1
[52] CD 2.37

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a) the Country Park.

b) the Local Centre.

c) the expansion of Park House School and its facilities.

d) access to the A339 enabling dispersal of traffic across the network.

e) fully funding highway improvement works which would accommodate the entire SSSA.

7.15. The Council's Planning witness, Mr Grigoropoulos, expressed a concern that a comprehensive development might not be achieved because DNH might not provide the connection through to the appeal site. The evidence is clear that DNH would provide the connection as is shown by the MoU, their application and their letter to the Inspector.[53] The Council has the power to ensure as part of any planning permission granted on Sandleford Park West that DNH would have a reciprocal obligation to provide the connection on their land to the boundary so as to complete the connection through. The "contribution strip" discussed in the session on the s106 UU does not impinge on this and there is no question of the appellants having the ability to put "concrete blocks" in the way.

7.16. *Policy C1* The Council has belatedly sought to make something of the fact that part of DPN1 lies outside the settlement boundary of Newbury and thus is subject to the presumption against residential development in the countryside set out in Policy C1.

7.17. The area in question, comprises 0.35 hectare, some 0.3% of the 114 hectares application site, and is outside a boundary created entirely by policy - it runs through a field with nothing to distinguish what lies on its eastern side (within Newbury in policy terms) from what lies on its western side.[54]

7.18. The policy boundary was drawn so as to include within the settlement the potential areas for development shown on the Masterplan Framework in the SPD.[55] Since the SPD was published in 2015 the Council has required the provision of the Crooks Copse Link which would link the two development areas to either side of it. This means that the element of the proposed development which would be outside the settlement boundary would have a road to its west and southwest, as well as new homes to the east.

7.19. The 0.35 hectare would accommodate ten houses at most, which when considered in this context would not lead to any unacceptable harm. In the event that the Secretary of State disagrees then a condition could be imposed to exclude the area in question from the development area.

7.20. *Warren Road* The 5th parameter in policy CS 3 refers to an additional sustainable transport link for pedestrians, cyclists and buses provided from Warren Road onto the Andover Road, however this is for the entire allocation

[53] CD 14.13, CD 14, ID9
[54] Mr Jones PoE Appendix 14
[55] CD 8.14 Figure 13 page 57

of 2,000 dwellings.[56] The list of "Critical Infrastructure" in Appendix D to the Core Strategy lists "Bus access from Sandleford to Andover Road through Warren Road" – although not cycling and walking infrastructure.[57] This too is for the entire allocation.

7.21. The issue is whether the link along Warren Road is necessary in order for the appeal proposals to be acceptable. The Sandleford SPD asks for an "all vehicle access link through Warren Road" to be "explored" but once again this is for the entire allocation of 2,000 homes and is not part of the development plan.[58] The draft Local Plan Review expects an all vehicle access via Warren Road but this requirement is for the entire allocation of 1,500 dwellings and is not part of the development plan.[59]

7.22. It is the appellants' case that a link through Warren Road to Andover Road is not necessary in order for the appeal proposals to be acceptable. There is a pedestrian link in any event and so the issue concerns (1) an all vehicle link, (2) a bus link, (3) a cycling link. Taking each in turn, it is common ground that:

(1) "*the proposed development does not require a vehicular access to be constructed onto Warren Road / Andover Road.*"[60]

(2) the bus service improvements that would be secured by the appeal proposals would provide a good quality bus service. The Transport Statement of Common Ground explains that this "*can be further enhanced with addition of the Warren Farm element of the SSSA and the creation of a bus link to Andover Road*".[61] Accordingly, the bus link is not necessary in order to make the appeal proposals acceptable.

The Council's highway witness, Mr Goddard, describes the proposed "*loop and return*" bus service as "*not ideal, as it reduces the viability of the service.*"[62] Mr Goddard said in terms at the round table session that the bus service we propose is "acceptable".

(3) the appeal proposals, without a link via Warren Road, would provide "*good quality .. cycling links*".[63] Accordingly, the link for cyclists is not necessary in order to make the appeal proposals acceptable. Sandleford Park West will bring forward the Warren Road access. When it does, provision for buses and cyclists (and all vehicles) would be even better. Until it does, what we propose is perfectly acceptable.

7.23. *The Sandleford Park SPD* is a material consideration of significant weight. Its purpose is "*to guide development on the [allocation] site in more detail*.[64]

[56] CD 8.5 page 46
[57] CD 8.5 Page 108
[58] CD 8.14 Strategic Objective 2
[59] CD 8.13 Policy SP2 page 61
[60] ID11 Transport Statement of Common Ground para 4.9, and CD9.1 Statement of Common Ground para 10.5
[61] ID11 Transport SoCG para 2.18
[62] Mr Goddard PoE para 3.30
[63] ID11 Para 2.18
[64] CD 8.14 para 3

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The emerging Local Plan Review explains that: "*The Council will be supportive of proposals which have regard, and positively respond, to the Sandleford Park SPD (2015) which provides a framework for the future development of the site.*"[65]

7.24. There is no trace in the emerging Local Plan Review of the Council backtracking or wishing to revise anything in the SPD apart from the requirement for a single planning application. This is an important point because many of the criticisms of the appeal proposals made by the Council are of elements where we have followed the detailed guidance in the Sandleford SPD (e.g. in relation to buffers to the woodlands; access to the ancient woodlands; SuDS in the green areas of the site) only to find the Council insisting on the appeal proposals doing things differently, and in some respects very differently, from what is said in terms in the SPD. The appeal proposals are a close fit with the Masterplan Framework in the Sandleford SPD and the detailed guidance in it.

7.25. Development Principle S1 in the Sandleford SPD requires a single planning application for the entire allocation, but the Council now no longer wishes to insist on this as the emerging Local Plan Review explains.[66] There are only a few, limited differences between what we propose and what the SPD aspires to:

a. Location of the Neighbourhood Equipped Area of Play (NEAP) proposed to the east of the DPC in the area between Dirty Ground Copse and Gorse Covert. There is a great deal of history which led to the proposed location which was previously agreed by the Council to be acceptable.[67]

b. Location of the Locally Equipped Area of Play (LEAP) in the northern valley. The SPD is not clear regarding the preferred location for this LEAP. Again, the proposed location was previously agreed by the Council to be acceptable.[68]

c. A minor access off Monks Lane: we have added a minor access to serve a small number of homes, some five to ten. This surely can't be a matter of any significance.

d. An emergency access alongside the Valley Crossing: the Valley Crossing itself is shown on the Sandleford SPD Masterplan and is discussed in Development Principle L7 and its supporting text and in Development Principle CA7.[69] We propose a bridge to carry the main valley crossing. Immediately alongside this bridge, we propose a separate bridge which would provide a footway / cycleway at a width which would provide an emergency access. The gap between the structures would be 0.5 metre.[70]

The Council argue that this emergency access would not have been necessary had a link via Warren Road been provided as part of the appeal proposal but

[65] CD 8.13 SP16 page 61
[66] CD 8.13 para 6.32
[67] Following detailed design and visual assessment work with the Council's previous landscape consultant, Mrs Kirkham. See ID 60
[68] ID60 and CD8.14 Figure 13 page 57
[69] CD 8.14 pages 36,57 & 79
[70] Mr Jones' Rebuttal Appendix 3

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as submitted above, there is no need for such a link in order to make the appeal proposals acceptable.

Mr Grigoropoulos contends that the additional structure would lead to an overall additional width of 2 metres by comparison with a single bridge. Mr Jones explained in his Evidence in Chief, the overall difference is 1 metre. The Sandleford SPD states at CA77 that: "*Should additional valley crossings be required the above design principles will apply*".[71] These principles include minimising visual impact. An additional valley crossing is required in order to provide emergency access and by being located close to the main valley crossing and adding only 1 metre to the overall width of the crossings it must surely be the case that the visual impact of the additional crossing has been minimised.

e. The Crooks Copse Link is required by the Council and its absence was previously the basis of a reason for refusal.[72] Mr Cooper has shown how it can be designed in a sensitive manner.[73]

No Showstoppers

7.26. The issues raised in the reasons for refusal are helpfully set out in tabular form on pages 16 – 25 of the SoCG.[74] Taking each in turn:

- *Comprehensive development:* the appeal proposals neither preclude nor inhibit but instead facilitate the bringing forward of the remaining 15% of the overall allocation in accordance with the requirements and aspirations of the Core Strategy and the Sandleford SPD.

- Landscape and visual impact: Whether Mr Flatman's (the Council's landscape witness), or Mr Cooper's (the appellants' landscape witness) assessment is preferred this must be seen in the context of the radical changes to the site mandated by the Core Strategy and the Sandleford SPD, with no change of tack in the Emerging Local Plan. Landscape and visual impacts are by and large the inevitable consequences of developing the site with the disposition of built development, uses and infrastructure provided by the allocation and the Sandleford SPD. Mr Flatman's analysis failed to acknowledge either the allocation or the guidance.

  Even if the site were to be considered a valued landscape, it is one in which the allocation and the Sandleford SPD provide for the building of thousands of homes, a local centre, roads, a bridge and much more besides. We do not accept that the site is a valued landscape under the Framework paragraph 170a which refers to protecting and enhancing valued landscapes "in a manner commensurate with their statutory status or identified quality in the development plan".

- *Affordable housing*: this has now been resolved and the Council no longer objects to the appeal proposals on this basis.[75]

[71] CD 8.15 page 79
[72] CD 9.1 SoCG para 6.12
[73] Mr Cooper PoE Appendix G Figure L1
[74] CD 9.1
[75] ID56 and Mr Grigoropoulus' confirmation to the Inspector during the s106 session

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- *Carbon:* this can be dealt with in an appropriately worded condition. The appellants and the Council have each put forward a suggested condition. The appellants consider that theirs accords with national policy and guidance.

- *The Central Valley Crossing:* this is necessitated by the terms of the overall allocation in Policy CS 3. The appellants have illustrated via the "Wheatcroft" consultation how this can be achieved in an appropriate manner, including an emergency access. The rest is for the detailed design stage.[76]

- *Park House School Expansion Land* for an additional playing field: This issue has now been resolved and the Council no longer objects to the appeal proposals on this basis.[77]

- *Woodland and trees:* the appeal proposals need not result in the loss or deterioration of irreplaceable habitats, ancient woodland, ancient or veteran trees, the satisfactory protection of all of which can be secured by appropriately worded conditions and planning obligations. The Arboricultural Statement of Common Ground sets out the appellants' and the Council's position on points in issue.[78] The appellants' evidence is preferred to that given by Mr Giles (the Council's Arboricultural witness). Again, the points made by the Council must be considered in their true context that this is an allocated site, the subject of detailed guidance in the Sandleford SPD.

- *Ecology*: the appeal proposals need not result in significant harm to biodiversity, the satisfactory protection of ecological interests can be secured by appropriately worded conditions and planning obligations. The appellants consider that there would be a worthwhile net gain in biodiversity.[79] The appeal proposals should not be criticised, for envisaging public access to the ancient woodlands just as the Sandleford SPD repeatedly explicitly encourages.[80] If the SoS disagrees then this can be resolved by an appropriately worded planning condition.

  The proposal should not be criticised for ecological impacts which are by and large the inevitable consequences of developing the site with the disposition of built development, uses and infrastructure provided by the allocation and the Sandleford SPD. An example of this is the criticism that the appeal proposals would surround Crooks Copse, but this describes the disposition of the northern development areas required by the Sandleford SPD and the Crooks Copse Link required by the Council.[81]

- *Drainage/SuDS:* the Sandleford SPD envisages the provision of "*a variety of Sustainable Drainage systems*" the details of which can be secured by an appropriately worded condition. Mr Grigoropoulus agreed in cross

[76] ID11 para 3.13:The Council agree that the proposed emergency access is satisfactory in highways terms
[77] ID20
[78] ID24
[79] ID50, ID51
[80] CD 8.14 Strategic Objective 5 (page 7), para. 105 (page 25), Development Principle L4 at d (page 33), the caption to Picture 18 (page 36), the "indicative circulation" shown on Figure 7 (page 42), and Figure 13 (page 57), Development Principle CA8 5th "key design principle" (page 80), Development Principle CA9 2nd "key design principle" (page 81)
[81] CD 9.1 para 6.12

examination that the Sandleford SPD imagined that the "*SuDS elements such as swales and ponds*" would be provided in the "*green links*" i.e. the open, green, areas of the site.[82] This is the obvious place in which the most could be made of these features in landscape, visual, ecological and amenity terms. Mr Bowden contended that they should be confined within the areas of built development.

- *Infrastructure Provision:* this has been appropriately secured by way of planning obligations and conditions.

7.27 Mr Norman on behalf of SNTS raises concerns regarding air quality. The Council do not object on the basis of impacts on air quality. We rely on Mr Mann's expert evidence which demonstrates that any impacts would be negligible.

7.28 Newbury Town Council and Greenham Parish Council raised a number of other concerns which were either points rightly not taken by the Council (e.g. highways impacts) or an extreme variant of the Council's points. None of these points would provide a tenable basis for dismissing the appeal.

Public benefits of the proposal

7.27. The appeal proposals would deliver a considerable range of extremely worthwhile public benefits. These include:

- 1,080 homes. The Council can demonstrate a 5 years' housing land supply but (a) the 5 years' housing land supply requirement is a minimum and providing more homes is a good and not a bad thing, and (b) the site is allocated to provide security of housing land supply in the medium to longer term. In addition, the Council is relying on an unprecedented and sustained scale of housing delivery in the next few years in order to meet the Core Strategy requirement.
- Most of the new homes would be houses for families in accordance with CS3.
- Of the 1,080 homes, 432 (40%) would be affordable homes. The need for affordable housing in West Berkshire is "substantial" at some 319 affordable homes per annum.[83] This figure is relied upon in the emerging Local Plan Review.
- The appeal proposals would deliver everything sought by the Strategic Site Allocation (CS 3) which can reasonably expected of this development while also facilitating the development of the remainder of the allocation.
- An 86 hectares (over 200 acres) Country Park.

7.28. *Unilateral Undertaking* The appellant submitted an explanatory note in respect of the final UU.[84] This sets out the various schedules within the UU. The appellant also submitted a response to the comments made by the Council

[82] CD8.14 page 38
[83] CD 8.19 para 9.7 and table 9.1
[84] P/ID15

and the Rule 6 parties in respect of the UU.[85] These are discussed at Section 14 below.

Updated National Planning Policy Framework

7.29. The appellants set out the following changes within the Framework that are considered to have a bearing on the cases as put to the Inquiry.[86]

- Paragraph 7 introduces the United Nations Sustainable Development Goals but refers to these as "high level" objectives that address social progress, economic well-being and environmental protection, and serves to further frame paragraph 8 that follows.
- Paragraph 22 the amended text emphasises the long-term role of significant extensions to towns. The role of Sandleford Park in providing new housing over the longer term as set out in both the Core Strategy and the emerging Local Plan Review is consistent with this.
- Paragraph 73 (c), the role of tools such as design codes are introduced; both the appellants and the Council have proposed a Design Code as a planning condition. The Detailed Green Infrastructure Design and Management Plan is a similar tool, also to be secured by planning condition. This is equally relevant to other references in later Sections of the Framework to design guides, codes and masterplans.
- Paragraph 98 expands the role of open spaces to require them to deliver wider benefits for nature and support efforts to address climate change. The appellants' intention for the Country Park is that is serves such a multi-functional purpose, providing landscape features, ecological habitats and accessible greenspace.
- Section 12 includes a number of additions that concern the creation of high-quality, beautiful and sustainable buildings and places. A particular emphasis is placed on local authorities preparing design guides or codes to set out their design expectations. The proposed Design Code would ensure that future reserved matters applications would reflect local character and design preferences contained within the Sandleford SPD, consistent with the Framework.
- Paragraph 131 has been included concerning tree planting. This is a matter that can be addressed later in the planning process through the suggested Design Code, the Detailed Green Infrastructure Design and Management Plan, and thereafter by applications for the approval of reserved matters. Of note is that various of the Character Areas in the SPD require tree and landscape planting within streets.
- Paragraph 134 now states "…*significant weight should be given to a) development which reflects local design policies and government guidance on design, taking in to account any local design guides and codes and supplementary planning documents such as design guides and codes*…" In this

[85] P/ID13
[86] P/ID17

instance, this would include the Sandleford SPD, where the appellants have adopted the character areas and design principles in the SPD.

- Paragraph 180 (d) includes the additional references/requirements to improving biodiversity, to be integrated as part of the development and enhancement of public access to nature, support the design approach to the Country Park emanating from the Sandleford SPD.
- The Glossary expands the definition of Green Infrastructure to refer to blue spaces (i.e. water bodies) and other natural features which are capable of delivering a range of benefits including health and well-being for nature, climate, local and wider communities.

Highways

7.30. A comprehensive Sustainable Transport Strategy has been developed for the site comprising:

i) The masterplan layout that will incorporate good quality pedestrian and cycling links and on-site facilities including a local centre and Primary School.

ii) Links to nearby local facilities including education, healthcare and retail.

iii) The provision of a comprehensive walking and cycling strategy with links to local facilities, the town centre and rail station.

iv) The provision of a bus service to the town centre and rail station as well as Greenham Business Park.

v) A comprehensive Travel Plan.

7.31. This is an excellent level of sustainable transport for a residential development of this nature and in this location and will give people a real choice in how to travel to a wide range of destinations.[87]

7.32. The highway mitigation package strikes the right balance between giving strong encouragement and support to sustainable modes of transport whilst offering some targeted capacity enhancements. In particular, the ability to control traffic at the A339/Pinchington Lane junction will assist in good management of traffic in the town centre. Measures, which will be implemented as part of the Travel Plan, such as cycle, bus and rail travel incentives, will also encourage sustainable modes of travel and reduce the reliance on the private car.[88]

7.33. It is agreed that there is no need for Warren Road as a vehicular access to serve the development. The implementation of the Appeal Scheme would deliver:

i) 3 access points to the public highway network.

ii) Improvements to A339/Pinchington Lane/Monks Lane/Newtown Road junction; improvements to A339/A343/St Johns Road roundabout; Newtown

[87] CD 10.7 Mr Bird PoE paragraphs 5.48 and 5.49
[88] CD 10.7 Mr Bird PoE paragraph 6.27

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Road/Pound Street/Bartholomew Street/Market Street signals upgrade; and A339/B4640 Swan roundabout improvements.

iii) Rupert Road, Chandos Road and Wendan Road pedestrian improvements.

iv) Provision of bus services into development from Monks Lane and Andover Road.[89]

7.34. Once the DNH site is built out it is likely to have benefits in taking buses through the site from Monks Lane to Andover Road via Warren Road and vice versa. However, this link is not necessary to serve the appeal site.

Biodiversity

7.35. At present cultivation takes place up to the edge of the woodlands on site, with margins of 1-2 metres. 71% of the existing woodland edge is adjacent to cultivated ground such as arable farmland (where there are potential impacts from ploughing, fertiliser of herbicide drift and runoff) or farm tracks. The proposed buffers remove these effects and will provide a minimum of 15 metres of woodland edge habitat.[90]

7.36. The appeal scheme provides woodland buffers in accordance with the Sandleford SPD and statutory guidance, which are adequate to avoid significant harm to the woodlands. The proposals will enhance the condition of the woodlands through habitat management.[91]

7.37. Recreational impacts on the ancient woodland were assessed as part of Chapter 6 of the ES. It is proposed to allow public access (as preventing access is unlikely to be successful) along existing tracks which have been identified as the areas of lowest value by a detailed botanical survey. Woodland management is proposed to provide an overall enhancement of these woodlands.[92]

7.38. The Park House School expansion does not propose lighting of the new playing field and it was not considered in the lighting assessment. If lighting were proposed in future it would be appropriate to assess the effects at that stage as part of a subsequent application.[93]

7.39. The ES identified a significant positive effect for Marshy Grassland habitat due to a predicted 14% increase in area post-development. The updated proposals for the Central Valley Crossing incorporate a bridge structure and result in only minimal loss of Marshy Grassland habitat to account for the positioning of piers. The BNG predicts an increase in both habitat area and biodiversity units. [94]

7.40. Access to ponds by residents can be easily prevented through fencing which is proposed within the Ecological Mitigation and Management Plan. It would also be possible to include dedicated ponds for dogs within the Country Park.

[89] CD 10.7 Mr Bird PoE paragraphs 7.4, 7.5
[90] CD 10.13 Paragraph 3.1.6
[91] CD 10.13 Paragraph 3.1.9
[92] CD 10.13 Paragraph 4.2.2
[93] CD 10.13 Paragraph 4.24
[94] CD 10.13 Paragraph 4.2.6

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These would prevent the desire to use retained habitat features and would not be hydrologically connected to the wider drainage network avoiding any impacts on water quality from these features.[95]

7.41. The width of the Central Valley Crossing bridge structure is below the threshold for shading impacts to be significant. The Crooks Copse link would introduce a culvert, but a lengthy section of this watercourse is already culverted. All other footpath crossings shown on the landscape framework plan coincide with existing culverts or crossings.[96]

7.42. T127 and T130 have confirmed bat roosts. The removal of these trees is not required to accommodate the proposed development and therefore the loss of these roosts has not been considered. Should any works be required and identified during the detailed design stage, up to date surveys will be undertaken to inform a suitable mitigation strategy. Up to date surveys would also be required to inform a European Protected Species (EPS) licence application to Natural England which would be required before any tree containing a bat roost could be removed (or works undertaken which could damage or modify the roost).[97]

7.43. The potential for the impact of lighting from the Central Valley Crossing on bats has been considered. The potential for lighting from car headlights crossing the valley has been deemed acceptable in determining that the site is suitable for development in the first place, and the valley crossing is a central requirement within the Sandleford SPD. Downward-facing LED lights can be installed in the bridge parapets. This would provide sufficient lighting for highway safety whilst preventing upward light spill. Light spill beyond the bridge itself could be prevented by the parapets. This lighting has successfully been used by the appellants at the Sunday's Hill Bypass in Eastleigh, Hampshire where it was designed to avoid adverse effects on rare Bechstein's bats where a bridge passes through an ancient woodland.[98]

7.44. The valley corridor was not identified as a significant commuting route for bats. Most species typically navigate using features such as tree lines, hedgerows and woodland edges and these habitats are not present within the valley itself. The proposed valley crossing design is a bridge which provides an open vertical space of up to 5m in height. Most bat species fly at low heights of between 0-4 m, in particular when within open habitat such as that present within the valley. Therefore, the proposed bridge will not present a significant impediment to bat movement.[99]

7.45. The reptile population has been determined to be of low value. Within the ES the population was not considered significant and was discussed only in relation to potential breaches of legislation. There is no research to suggest that domestic pet predation is significant enough to impact on the population

[95] CD 10.13 Paragraph 4.2.8
[96] CD 10.13 Paragraph 4.2.10
[97] CD 10.13 Paragraph 4.3.2
[98] CD 10.13 Paragraph 4.3.3
[99] CD 10.13 Paragraph 4.3.4

viability of reptiles. The development will result in a significant increase in suitable habitat for reptiles, including refuge from predators.[100]

7.46. The Central Valley Crossing can be delivered in a manner which will present no impediment to the movement of badgers. The majority of available foraging habitat lies to the south and east and this will be enhanced through the proposed landscape design and the provision of the Country Park. Connectivity between woodland parcels can be maintained and so there will be no significant restriction of badger movement between setts and foraging areas. Recreational routes will be designed to avoid recreational disturbance of badger setts.[101]

7.47. Natural England consider that the proposed Country Park will avoid significant adverse effects on the Greenham Common SSSI and this has been agreed in the SoCG.[102]

Carbon Emissions and Renewable Energy[103]

7.48. The overall 'direction of travel' of national policy since 2014 has been that matters relating to the energy efficiency of new residential dwellings would be dealt with through changes to Building Regulations and that Local Planning Authorities should not apply local standards that went beyond this.

7.49. Since the application was determined, the Government published its response to the consultation on the Future Homes Standard in January 2021.[104] The response confirms that the Government proposes to introduce the standard in 2025 and that this shall equate to a 75-80% reduction in CO2 emissions compared to the current Part L 2013 standard. In the meantime, an update to Part L will be made in December 2021 and come into effect in June 2022. This change shall equate to a 31% reduction in carbon emissions compared to the current Part L 2013 standard.

7.50. The 2015 Written Ministerial Statement (WMS)set an expectation that local planning authorities should not set energy efficiency standards for new homes higher than the energy requirements of Level 4 of the Code for Sustainable Homes, which is equivalent to a 19% improvement on the Part L 2013 standard.

7.51. The Council has applied Policy CS 15 inconsistently when determining planning applications for new major residential development in West Berkshire. In a number of cases it did not impose a condition requiring a reduction in CO_2 emissions or the provision of renewable energy generation. Moreover, the Council's Annual Monitoring Reports for 2017, 2018 and 2019 state that *'..the 2016 Housing and Planning Act has brought an end to the Government's aspiration to deliver zero-carbon homes through the planning process, relying instead on building regulations to deliver energy efficient*

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[100] CD 10.13 Paragraph 4.3.6
[101] CD 10.13 Paragraph 4.3.13
[102] CD 10.13 Paragraph 4.5.1
[103] CD 10.
[104] CD 8.30, CD 17.19

buildings.' For this reason the requirement for zero carbon development no longer applies but the 20% CO_2 reduction remains.[105]

7.52. However, since the application was determined, the Government have clarified that they are not going to commence the change to the Planning and Energy Act 2008 and that Local Planning Authorities can continue to set additional local energy efficiency standards.

7.53. The current position therefore, is that Local Planning Authorities can impose conditions requiring new residential development to reduce its carbon dioxide emissions beyond the requirements of Part L 2013, but only up to a maximum of 19%, as set out in the 2015 Written Ministerial Statement

7.54. Once the 2021 Building Regulations come into effect, these will require a 31% reduction in CO2 emissions against Part L 2013. The Future Homes Standard will equate to a 75-80% reduction in carbon dioxide emissions compared to Part L 2013.

7.55. The appellants propose a 'fabric first' approach whereby CO2 emissions are initially reduced through improvements to the building fabric, with other methods such as low and zero carbon energy sources then incorporated as a secondary measure to achieve the 19% target. This could include the use of Solar Photovoltaic panels on appropriately orientated dwellings in order to take advantage of the site's south facing orientation. This approach is consistent with the National Design Guide.

7.56. Electric Vehicle charging infrastructure will be provided to each house. The infrastructure to be provided would include dedicated cabling, at 32 amps, located on the plots external wall, adjacent to the parking spaces.

Air Quality

7.57. The air quality impacts on the Kennet Valley lderwoods SAC, Kennet and Lambourn Floodplain SAC and the River Lambourn SAC, have been assessed within the Air Quality Technical Note.[106] It assessed two scenarios, with and without the Warren Road access.

7.58. The annual average exposure to NOX was above the 0.4 µg/m^3 threshold and therefore a Nitrogen Deposition Assessment was undertaken. This concluded that the impact of nitrogen depositions from the road would be 'negligible'. The Habitats Regulations Assessment found that the adverse air quality effects on the integrity of any European site from the Sandleford Park scheme can be ruled out both alone and in combination with other developments within the area. Natural England confirmed that they agree with this conclusion.[107]

7.59. The Air Quality Assessment included the main roads within the site. Mr Mann confirmed that the effects on minor roads within the site would be similar. The road vehicle emissions associated with the changes in vehicle movements as a

[105] CD 10.19 Paragraph 4.26
[106] CD 26 Appendix A
[107] CD 26 Section 4

result of the development will have a negligible effect at the ancient woodlands receptors within the site boundary.[108]

7.60. There are no clear studies that consider the effects of fine particles on ancient woodland. Studies confirm that the primary effect of dust and particles on plants are from the soiling where the deposition of dust on the leaves blocks photosynthesis. However, this is generally only the case for larger 'dust' particles that settle within 3-10 metres of roads or quarrying operations. Finer particles such as PM_{10} (10µm in diameter) and the even finer $PM_{2.5}$ (2.5 µm in diameter) would not cause any soiling and being the size of pollen grains (eg. oak pollen grains around 10 – 20 µm) are unlikely to have a significant effect on plants / trees.[109]

7.61. The Air Quality Assessment found that the maximum predicted increase in the annual average exposure to NO_2 at any existing receptor due to changes in traffic movements is 0.84 µg/m^3 at The Annex at New Warren Farm (R4) and that worse case levels are 23.46 µg/m^3 which is below the national objective of 40 µg/m^3. Consequently, the effects of any increase in NO_2 levels from the proposed development are considered to fall into the category of 'negligible'.[110]

7.62. Modelling at Park House School shows that the concentrations of NO_2, PM_{10}, and $PM_{2.5}$ are significantly below the relevant Air Quality Objectives. The predicted concentrations at Park House School following construction of the development at Sandleford Park are predicted to be 10.62 µg/m^3 for NO_2, 13.68 µg/m^3 for PM_{10}, and 9.05 µg/m^3 for $PM_{2.5}$ in both modelled scenarios.[111]

7.63. The Travel Plan seeks to reduce the reliance on private, single person vehicle movements, by promoting sustainable travel methods such as public transport, walking, cycling and car sharing. These mitigation measures will help reduce the potential impacts of road traffic emissions associated with the development.[112]

7.64. Non-exhaust emissions from brakes and tyres of vehicles are the main constituent of the PM_{10} and $PM_{2.5}$. Electric vehicles, and SUVs, may have increased emissions of Particulate Matter associated with tyres and brake wear, as a result of the increased weights associated with these vehicle types, when compared against other road vehicles.

7.65. There is no current legislation in relation to vehicle emission standards for the non-exhaust emissions associated with brake and tyre wear. However, the Emissions Factor Toolkit (EFT) has incorporated brake and tyre wear and road abrasion into emissions calculations since EFT version 4.1.

7.66. The Air Quality Assessment shows that only six of the modelled existing receptor locations were predicted to exceed the WHO guideline value of 10µg/m3 and the current UK guideline of 25µg/m³ for $PM_{2.5}$. It is however noted that the Government is aiming to implement the WHO guideline value

[108] ID47 Section 1.0
[109] ID47 Section 2.0
[110] CD 10.25 Paragraph 5.20, 5.21
[111] With 3 access point and with 4 access pints
[112] CD 10.25 Paragraph 5.24

of 10µg/m³. The six receptor locations are predicted to exceed the WHO guideline value with or without the development during the baseline year of 2018. Accordingly, the impact associated with the development is determined to be 'negligible' at all modelled receptor locations.[113]

7.67. There are concerns that the vehicle access routes associated with the scheme are adjacent to schools. The Air Quality Assessment shows that the predicted concentrations of Nitrogen Dioxide (NO_2) PM_{10}, and $PM_{2.5}$ are all significantly below the relevant National Air Quality Objectives. The concentrations of $PM_{2.5}$ at the School are also below the World Health Organisation's (WHO) recommended guideline value for $PM_{2.5}$ (10µg/m^3).[114]

Single application and comprehensive development

7.68. The MOU sets out the commitment of both sets of applicants to work together to deliver the comprehensive development of Sandleford Park and lists a number of drawings and plans, and a table showing each of the applicants' responsibilities for infrastructure. The MoU is not a legally binding document, but it establishes the shared commitment to a framework for a comprehensive scheme. The two planning applications submitted by the landowners and prospective developers are framed by the MoU.[115]

7.69. The appellants have proposed planning obligations (and planning conditions) that enable the timely provision of measures to mitigate the impact of the development and to provide infrastructure for the benefit of its future residents and occupiers and, where appropriate, also to the benefit more widely of the remaining part of the allocated site.

8. Case for West Berkshire Council

This summary of the case for the Council is based on the Closing Submissions, the Proofs of Evidence and other submissions to the Inquiry

8.1. During the course of the Inquiry the issues in relation to the access arrangements, including the emergency access, provision for affordable housing, and provision for education, including the Park House School expansion land were resolved.

Minerals

8.2. The Sandleford Park site is an area known to contain sand and gravel deposits. As confirmed by Mr Grigoropoulos, the Principal Minerals and Waste Officer has reviewed the application submissions and raised no objections subject to a condition to secure the incidental extraction of minerals as part of the development of the site.

Heritage Assets

8.3. It has been concluded that the proposals result in less than substantial harm to the significance of heritage assets, it has also been concluded that this is

[113] CD 10.25 Paragraphs 5.9, 5.10
[114] CD 10.38 Paragraph 2.05
[115] CD 10.1 Paragraph 8.11

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relatively minor and that, in accordance with para 196 of the Framework, the public benefits provide clear and convincing justification for the harm and outweigh it. Mr Grigoropoulos has also had regard to s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. He concludes that the effect of the appeal proposal on heritage assets is acceptable.

The Parameters of the Outline Planning Application and the accuracy of the Controlling Plans

8.4. The amount of development is defined on the Parameter Land Use and Access Plan in terms of "proposed development footprint" and by virtue of the description. The Inquiry has heard that the proposed development footprint may change to accommodate 0.35 hectares outside of the settlement boundary; at least 1.25 hectares for SuDS basins; the root protection areas of various trees which are now agreed to be impacted, to accommodate the NEAP (at least 400 sqm), the LEAP and to translocate the 250m of Monks Lane hedgerow.

8.5. The Sandleford SPD requires certain supporting information to accompany any planning application for the SSSA. The Strategic Landscape and Green Infrastructure Plan (SLGIP) is required to accompany the application and "*will provide details on the Country Parkland and SuDS, non-vehicular access, strategic planting, green links and recreation and open space provision at a strategic level for the whole site".* [116]

8.6. Principle H29 sets out that "SuDS need to be designed in conjunction with, and be reflected in, the Strategic Landscape and Green Infrastructure Plan and the Detailed Landscape and Green Infrastructure Design and Management Plans".[117]

8.7. Changing the developable area, increasing density, moving SuDS and other items are not de minimis changes to parameter plans. Mr Jones agreed that the plans would not be accurate were such changes contemplated but takes the view that because the application seeks only to be "in substantial compliance" by virtue of a condition there is no problem.

8.8. "Substantial compliance" with parameter plans that are inaccurate, that refer to the SLGIP which will have nothing on it with which to comply (save for the existing footpath in the right location) is, in this case, tantamount to what Mr Grigoropoulos called a "permission in principle". There would need to be a "wholesale re-design" of the proposal compared to what has been submitted and it has never been assessed. A condition requiring only "substantial compliance" with the parameter plans is not precise, is not enforceable and is not reasonable, given the environmental background.

EIA

8.9. The ES has not been updated for the Wheatcroft amendments and the appellants take the view that the protection of ancient woodlands and issues relating to ecology, drainage and SuDS and carbon emissions can all be dealt

[116] CD 8.14 p31
[117] CD8.14 p43

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with by condition, and the Central Valley Crossing design will finally be revealed at detailed design stage.

8.10. The reserved matters cannot extend beyond the parameters set by the principal decision. The effects which a project may have on the environment must be identified at the time of the principal decision.

8.11. Certain effects were identifiable when the Council made its decision. As submitted *in R (on the application of Barker) v Bromley LBC [2007] 1 A.C.470*, conditions designed to ensure that the project remains strictly within the scope of that assessment will minimise the risk that those effects will not be identifiable until the stage when approval is sought for reserved matters. Any un-assessed effects left until the reserved matters stage may mean that re-screening is necessary.

8.12. The Regulations allow for EIA at reserved matters stage, but it is not to be waived through. The PPG sets out that the possibility should be minimised and that the permission should be subject to conditions or other parameters which tie the scheme to what has been assessed.

Settlement Boundary

8.13. The proposal provides for development on 0.35 hectares beyond the settlement boundary and is unacceptable in principle and in landscape and visual terms and contrary to ADPP1 and C1. The settlement boundary was reviewed, examined and adopted as part of the Housing Site Allocation DPD (HSA DPD). On the review criteria alone, the settlement boundary cannot sensibly be argued to be "arbitrary". More so, as explained by Mr Flatman, there are landscape reasons for the boundary line to have been drawn where it is.

8.14. When ADPP1 was adopted, there was no review of settlement boundaries and the allocations were outside of the settlement boundaries. Where ADPP1 allows for development "within or adjacent to the settlements included in the settlement hierarchy set out below" it is in order not to exclude the allocations from complying with the policy. As a consequence, land outside of the settlement hierarchy is "open countryside" where "only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy". This position is confirmed by Policy C1 which identifies that "There will be a presumption against new residential development outside of the settlement boundaries".

The effect of the proposal, including the Valley Crossing, on the character and appearance of the surrounding landscape

Valued Landscape[118]

8.15. The Site lies within a valued landscape for the purposes of para 170 (a) of the Framework and so should be protected and enhanced.[119] The fact that it is a valued landscape does not preclude its allocation for housing. Indeed, the

[118] ID81paragraph 26-32
[119] Now paragraph 174

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HSA DPD has allocated approximately 495 dwellings in the AONB. [120] The requirement to respect a highly valued landscape does not evaporate on allocation. The two matters are not mutually exclusive.

8.16. The Landscape Character Assessments, Policy CS19, and the landscape strategies and guidelines together provide an indication of which aspects of the landscape are particularly valued. There is a stated strategy of landscape conservation.

8.17. Mr Cooper's assessment ignored the definition of 'Condition' in GLVIA 3. [121] In relation to 'Rarity' he had not considered the association with the parkland opposite Sandleford Priory, or the rare M23 habitat of principal importance. In relation to 'Representativeness', he had focussed on whether the site was "unique" rather than representative. Under 'Conservation or other interests', he had not included the ancient woodlands, any veteran trees, mature trees or the ancient tree; the TPO; the fact that the Sandleford SPD recognises that the trees are of "individual quality and also significant landscape value"; the European Protected Species and other wildlife; the Local Wildlife Site designations, the ecological value of the site as noted in the Sandleford SPD which calls it "valuable at the district level". Mr Cooper failed to even acknowledge in his written assessment that there are elements of tranquillity and wildness to the Site (running water in the streams, bluebell carpets, deer, skylarks and the sound of birdsong).

8.18. There exists on the Site a combination of all of the factors in GLVIA Box 5.1. This site is out of the ordinary when all are considered. Indeed, if this Site is not valued then it is difficult to imagine a site which is.

8.19. A valued landscape will change with development. But that does not mean that care should not be taken to protect and enhance it. A higher level of care is required.

The LVIA[122]

8.20. The LVIA forms the basis for how to design the site at a strategic level and provide the building blocks for the stages that follow. Policy GS1 states that the LVIA will "inform the final capacity, development design and layout of the site and requirements for green infrastructure and provision of public open space". This level of detail is required in order for the Council (or decision-maker) to properly assess the scheme.

8.21. The LVIA was based on out of date and superseded Landscape Character Assessments from 1993 and 2003. The relevant Landscape Character Assessment[123] dates from 2019 and states clearly that "*This West Berkshire Landscape Character Assessment supersedes both the 1993 and the 2003 and sits alongside the North Wessex Downs AONB Landscape Character Assessment…*".[124] Mr Cooper states that the differences between Landscape Character Assessments LCAs) that were almost 30 and 20 years old

[120] CD 8.6
[121] ID81 Paragraph 30
[122] WBC Closing submissions paras 33-35
[123] CD 8.21
[124] CD 8.21 para 1.29

respectively compared to the 2019 were of no effect. However, he was not sure which one he had compared to the 2019 LCA, and he had only compared one, whereas the LVIA had been informed by both.

8.22. Mr Cooper accepted that if the LVIA was flawed this could have consequences for the SLGIP and the design. The 2019 LCA has more depth to the analysis and new categories including "Evidence of Past Use and Cultural Evolution" and "Natural Landscape and Priority Habitats". Mr Cooper's Table 3 comparison does not mention views, cultural associations or recreational value.[125] The 2003 LCA does not specify the Sandleford Priory Parkland designated local wildlife sites, or the Habitat of Principal Importance (HPI). The sections on "Detractors" in the 2019 LCA set out how key characteristics could be affected. This is not considered in the 2003 document. As a result, there has been no consideration of how to ensure that detractors are not exacerbated.

The Effects of the Errors[126]

8.23. The proposal would lead to the loss and decline of hedgerows leading to fragmentation and/or loss of connectivity of Green Infrastructure and isolation of ancient woodland. Such losses include:

- The position of the access between the Site and Sandleford West severs the protected tree group GI in a sensitive position where mostly category A and B trees are shown.
- The Council estimates that approximately 250m of hedgerow on Monks Lane will be lost and not replaced, adversely impacting on the character of Monks Lane. Mr Cooper's evidence that a similar hedge/tree line (250m x 6m) would establish in 5 years is also not taken seriously. Mr Flatman said it would take 40 years to replace.
- The SLGIP identifies a Green Link from Monks Lane whilst the DAS proposes 'Green Links' to connect Monks Lane to the Country Park, as does the Sandleford SPD. The link from Monks Lane is not provided for adequately as part of the character from Monks Lane and its treatment and connectivity does not comply with Principles L5 or CA4 of the Sandleford SPD.

8.24. The Sandleford SPD at CA9 seeks to retain the undeveloped character of the valley corridors. As a consequence of the proposal the two valley corridors, both highly sensitive features, will have their character and through views interrupted by conveyancing channels, footpaths, the LEAP, the wider than necessary bridge and SuDs basins. There has been no consideration of the valleys or the internal views.

8.25. A further landscape strategy for area WH2[127] requires a recreational pressure to be balanced to enable local communities to use and enjoy the area for recreational and leisure activities, while continuing to conserve and enhance habitats to allow wildlife to thrive. However, there is no assessment of this

[125] WBC Closing Submissions para 35
[126] WBC Closing Submissions paras 36-42
[127] Although the closing submissions refer to WC2, this is a typographical error. The appeal site comes within area WH2.

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within the LVIA or the SLGIP. The restoration of heathland is listed in the 2019 LCA and this is a key characteristic for area WH2 which is omitted from any consideration for the strategy for this site.

8.26. In landscape terms, the ancient woodland blocks will become more and more isolated as individual landscape units are carved up and connections lost. The SLGIP does not show any proposals for the re-creation of meaningful woodland and the proposal on the SLGIP bears no relation to the historic landscape character or pattern.

8.27. A key design principle for CA8 in the Sandleford SPD is the consideration of new woodland planting to replace lost ancient semi-natural woodland to the south of the site to be considered.

8.28. The 2019 LCA has a richer, fuller and updated evidence base and certain aspects have not been adequately addressed in the proposals. The Flawed LVIA has consequences for the SLGIP and parameter plans. The NEAP, the orchard, the amenity kickabout area, cycleway with lighting, lack of woodland and heathland all create an urban edge Country Park as opposed to an historic parkland restoration.

8.29. The proposals also fail to recognise the Strategic Objectives and strategies of the Sandleford SPD. The proposal does not retain all important trees and hedgerows on the site, including all of the ancient woodland areas contrary to Strategic Objective 5.

8.30. The proposal does not retain 60% of the site for informal open space as, if the woodlands are included, it amounts to 50.5% contrary to Strategic Objective 7. The ancient woodlands, the views, the rural recreational value and the tapestry of agricultural land, all valued features in the WH2 landscape character area are threatened by the proposals. The important semi-natural habitats including ancient woodland and the sense of enclosure and tranquillity, valued features in UV4, are threatened by the proposals.

Specific components of the development [128]

8.31. The Central Valley Crossing will cause a certain level of harm that the Council accepts. However, the latest solution does not resolve all the issues raised in landscape terms. If no emergency access was required, there would be no need for 2 separate bridge decks. A narrower, single bridge with no gap, no verges, no double parapets, reduced shading and combined columns/footings over the valley would reduce bulk further.

8.32. The Crook's Copse Link does not propose a raised valley crossing. The proposed road will slice through the valley floor and will cut off the flow of the valley which could be provided for under a bridge. This is directly contrary to CA7 which provides that "Should additional valley crossings be required the above design principles will apply".

8.33. Crooks Copse would also be harmed by the breach of the 15m buffer with housing, pathways within either woodland buffers or protected ecological offsets in Marshy Grassland, fragmentation of linkages leading to isolation,

[128] WBC Closing Submissions Paras 43 -48

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housing encroaching onto the protected part of the lower valley slopes, new woodland in the valley floor rather than upper edges of slopes and the lighting plan. The NEAP, and the LEAP at Crook's Copse, are in locations contrary to the central location shown in the Sandleford SPD. They will be new urbanising features within the Country Park and valley.

8.34. The SuDS design is not achievable other than on an indicative sketch. There is a 4m rise (from 91m point up the valley side from the culvert to a 95m contour) as shown on the Topography plan. The valley path follows the existing hedge which is also the location of the watercourse. The reality is that there will need to be a huge, engineered solution to either cut into the valley side or to form an embankment to create a level pond and then conveyance channels need to punch through the woodland edge of Waterleaze Copse.

8.35. The SuDS basins will be huge, engineered elements with hundreds of metres of associated conveyance channels. Such infrastructure is being placed in a sensitive part of the Site causing landscape and other harm.

Conclusions on Landscape and Visual Harm[129]

8.36. Mr Cooper's Landscape Effects Tables lack proper consideration of the effects. He has failed to assess significant components of development or consider the aggregation of a series of built features within the undeveloped valley corridors, thus seriously underestimating harms. The harms to the ancient woodlands are ignored. Whilst some management would be a limited benefit, this would not be achieved in 15 years, especially given the recreational and residential pressure, the proximity of housing, domestic activity and development within buffers. The seven woodland blocks cannot improve following development especially given the high baseline. There is no assessment of effects during the construction phase.

8.37. In terms of visual effects, there are 15 adverse visual effects out of 25 views and, out of those, 10 were substantial or moderate to substantial. The appellants underestimate the harm and overestimate the benefits.

The effect on the woodlands and individual trees and the impact of tree and hedge loss on the character of Monks Lane

8.38. On this site, the ancient woodlands are also local wildlife sites, demonstrating their importance as habitats. Their value straddles various objections and disciplines (SuDS, Ecology, Landscape and Arboriculture).

8.39. The current Framework provides a higher level of protection for irreplaceable habitat than the 2012 version. Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

8.40. The Sandleford SPD was drafted when national policy in relation to ancient woodlands was not as strong. It requires a balance to be struck between public access and protecting the valued ecology on the Site. Policy CS 3

[129] WBC Closing Submissions Paras 49 -51

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requires proposals to "conserve the areas of ancient woodland…" and Policy CS 17 does not permit development which may harm either directly or indirectly Local Wildlife Sites (LWS) or Habitats of Principal Importance (HPI). All 7 ancient woodlands on the appeal site are affected to a varying degree by the proximity of the proposed development and human effects and activities causing habitat deterioration.

8.41. The Standing Advice jointly drafted by Natural England and the Forestry Commission states that the purpose of the buffer zone "*is to protect ancient woodland and individual ancient or veteran trees*". For ancient woodlands, the buffer zone needs to be "*at least 15 metres to avoid root damage"*.[130] In this case, the likely impacts of recreational damage and deterioration have been given insufficient regard.

8.42. Mr Giles wrote to the Forestry Commission seeking clarification as to his understanding of the 15 m buffer. The response stated: "It is the general rule that paths should not be created within buffer zones" and also advised that "*SuDS should not be used within buffer zones*". [131]

8.43. Natural England's response in relation to the South of Pondhouse Farm Decision, was that "*This buffer zone should vary depending upon the size and nature of the development. Although the minimum size of a buffer zone should be at least 15 metres, Natural England's standing advice would expect this to be larger for a development of this nature and size….Buffer zones should comprise semi-natural habitat only and not any element of the development, such as SuDS*….".[132]

8.44. There are several incursions into the 15m buffer zone due to amenity uses, construction zones and SuDS. These are shown on the plan at ID16. A late amendment to the SuDS schemes (10309-DR-03A96) proposed a conveyance channel through Slockett's Copse West resulting in the direct loss of ancient woodland.[133]

8.45. The lack of space in the northern valley between Slockett's Copse and High Wood is exacerbated by the need for 8m buffers either side of the stream and 15m buffers to protect the ancient woodlands. Since the pinch point measures 32m, there is no room for SuDS and footpaths through this valley as proposed.[134]

8.46. There are also footpaths proposed within the ancient woodland in the SLGIP which do not follow existing footpaths, or the indicative footpaths in the Access and Movement Framework (Figure 7 Sandleford SPD).

8.47. One warden cannot patrol and control public access to these precious areas. The ancient woodlands will suddenly become a playground for thousands of people and children, possibly anti-social behaviour and, behaviour seen over lockdown of unintended consequences by over-use on limited pathways as described by local residents. This cannot be compared to wardening at

[130] CD 8.31
[131] Mr Giles Rebuttal Appendix 1
[132] ID38
[133] WBC Closing submission Paragraph 66
[134] WBC Closing submission paragraph 66

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Greenham Common – these woodlands will be seen as an extension of gardens for residents.[135]

8.48. Severance of links between ancient woodlands caused by new roads and other large gaps would occur between Barn Copse and Dirty Ground Copse, Barn Copse and Gorse Covert, Barn Copse and Slockett's Copse, Crook's Copse and Slockett's Copse, Crook's Copse and High Wood and Crook's Copse and Barn Copse. Other indirect impacts would include increasing disturbance to wildlife from additional traffic and visitors, increasing light, noise or air pollution, increasing damaging activities like fly-tipping and the impact of domestic pets and changing the landscape character of the area.

8.49. Indirect effects will arise from residential pressure, recreational disturbance and the isolation of Crook's Copse in particular, as a result of the tight layout. The development is overbearing on the woodlands and the woodlands are overbearing on the dwellings. The presence of massive trees around the perimeter of the woodlands (approximately 23m in height) will not only prove a nuisance in terms of shade, leaf-fall etc but, importantly, will also pose a Health and Safety risk necessitating works which would not be necessary were the development not so close or a substantial buffer was provided. Further indirect effects will arise from the playing field on the School Expansion Land which directly adjoins ancient woodland buffers and has potential to exert further recreational disturbance. This cannot be dealt with by condition because there is no proposal showing where various important elements of the development will go, other than in the buffers.

Ancient/Veteran/Notable Trees[136]

8.50. The Arboricultural Impact Assessment (AIA) did not identify a number of trees on the Ancient Tree Inventory (ATI) as Veteran (13 within the appeal site and 5 outside the appeal site). In addition, there are a number of Veteran trees not surveyed in the AIA but identified in the ATI.[137] The appellant agreed that all the trees on the ATI were veteran. Mr Giles also considers a number of other trees on the site to be of Veteran/Potential Veteran status.

8.51. Ancient tree T34 is now to be retained. The Council remains concerned about Veteran trees affected by the cycle route and track to the Country Park store/office. Plans show that the cycle route would impact on the RPA of Veteran Trees T57, 59 and 166 which all lie close to Gorse Covert or Waterleaze Copse. Furthermore, it has not been demonstrated that the pinch point in relation to T31 can be avoided altogether. All these Veteran trees are considered to be irreplaceable habitat and are thus afforded substantial protection under para 175(c) of the Framework.

8.52. T61 would be lost due to the development footprint and T153 and T155 will be affected by pollarding/making safe. These trees are only unsuitable for retention due to their location and not their quality and could be retained. Several veteran/notable trees are included in the AIA for felling/major

[135] WBC Closing submission paragraph 67
[136] WBC Closing submission paras 72-77
[137] ID17

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remedial works even though there is bat roost potential and one having additional barn owl nesting/roosting potential.

8.53. The developable area was agreed to need amending due to the impact on T44 and T45 (both notable mature oak trees). T46 adjoins the DNH access point and is likely to be impacted by the proposed route. T114 is on the northern tip of Slockett's Copse and should be included in the ancient woodland with a 15m protection area which would extend its RPA into the line of the road. It also has a confirmed bat roost. T111 is considered a Veteran tree by Mr Giles and its increased RPA would restrict built development at a pinch point/road route to the South East of Crook's Copse. T78 is agreed to be within the ancient woodland and so needs a 15m buffer zone which will also affect the developable area.

8.54. The proposals for the removal of trees and the hedgerow on Monks Lane are not properly mitigated in response to the TPO and there will be a substantial net loss of hedgerow and trees in this area to the detriment of ecological connectivity, the street scene and visual impact. This harm could have been significantly reduced.

Whether the proposed drainage strategy is acceptable, having regard to the water table and Ancient Woodlands[138]

8.55. Out of several iterations presented in relation to the drainage strategy, not one avoids either harm to the Ancient Woodlands or harm to the Purple Moor Grass and Rush Pasture (PMGRP) priority habitat.

- 10309-DR-03A impacts directly on the ancient woodlands (the purported gap - shown to the Inquiry further to the plan showing direct impact - is only 20m, less than the two converging 15m ancient woodland buffers) and impacts directly on the HPI. It shows an example design of a 3m Swale which would also have an adverse impact on drawing off groundwater to the detriment of the hydrology in and around ancient woodlands.[139]

- 10309/DR-02 and 02A show the feeder channel in the wet valleys; the outfall is into the stream located very close to the northern tip of Waterleaze Copse and Veteran tree T166 which would both likely be affected; both conveyance channels cut the corners of Dirty Ground Copse 15m buffer; both channels cut through marshy ground.[140]

- 10309-DR-04A Option 1 impacts directly on the ancient woodlands and on the HPI; 1 feeder channel is in central valley marsh; basin B has 3 basins all north of Crook's Copse Link - one remains in very wet marsh area with no channels and localised outlets to the existing stream which will cause some damage to the marsh area; a new basin south of Slockett's West with feeder channel from the built area runs between Slockett's Copse West and Slockett's Copse and would encroach on the ancient woodland 15m buffer and PMGRP.[141]

[138] WBC Closing Submissions paras 78-94
[139] Mr Witt PoE Appendix B
[140] ES Vol 3 Appx K1 FRA
[141] Mr Witt PoE Appendix E

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- 10309-DR-04A Option 2 impacts directly on the ancient woodlands and on the HPI; basin A is not shown; basin B is now a single large basin in the very wet marsh north of Crook's Copse Link; the outlet from the basin to the existing stream will cause some damage to the marsh area; attenuation tanks in the built area may be acceptable but would be located on steep slopes.[142]

8.56. The impact on the water table has not been properly assessed due to the failure of the appellants to undertake ground investigations at the right time of year and in the right places. This has consequential effects on design, construction, layout and effectiveness.

8.57. September is one of the driest times of the year. If groundwater levels are as high as site conditions indicated in April 2021 (after a dry April) then groundwater will draw off into the excavations, then through the proposed channels and basins and out to the receiving streams to the detriment of ancient woodlands and sensitive Marshy Grassland habitat and ecology. The inclusion of a gravel filled trench below the channels as indicated (10309-DR-3A) would exacerbate this further.

8.58. There will be a harmful reduction in infiltration from development areas affecting the ancient woodlands. Proposals such as lining of the SuDS or introducing bunds would impact ecology and/or landscape and the Council's position is that neither is acceptable.

8.59. Mr Bowden, the Council's drainage witness, considers that it is not possible to provide SuDS within the green areas that are currently proposed on any of the alternative layouts so far provided without damage to habitats and ancient woodlands. He considers that the only place SuDS could go is in the developable areas. The detention basins alone will have a surface area of 1.25 hectares. Furthermore, all the measures proposed are "site control" rather than "source control". The Council has no confidence that the hypothetical solutions put forward could work.

8.60. There has also been a failure to consider the implications of the topography or the wetland on construction. The Construction Method Statement submitted on behalf of the appellants fails to demonstrate that construction of SuDS will be in accordance with standards of good practice. The Council also has fears that the method of construction could cause localised flooding of important habitat.[143]

8.61. Any biodiversity or water quality improvements would be clearly outweighed by the loss to habitat and biodiversity caused by all the designs before the Inquiry. The SuDS SPD seeks to ensure that designs do not just ensure drainage but also provide benefits such as resilience to climate change and biodiversity.[144]

8.62. The Council submits that the decision-maker cannot be satisfied, on the basis of current proposals, that the drainage strategies do not impact the ancient woodlands or the water table. These are not matters to be designed from

[142] Mr Witt PoE Appendix E
[143] ID52
[144] CD 8.16 p 4

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scratch at reserved matters. The Sandleford SPD recommends that SuDS are integrated from the beginning.

Whether the direct and indirect effects on biodiversity can be satisfactorily mitigated

Hedgerow connectivity/severance[145]

8.63. The Proposed Hedge Linkage plan shows where severance will take place.[146] The loss of T69 and G68 to create the Central Valley Crossing would fragment connections between the ancient woodlands at Barn Copse and Dirty Ground Copse and cause harm in and of itself due to its potential as a wildlife corridor for commuting bats, dormice and other species. There will be indirect loss and deterioration of the habitats as a result of this fragmentation.

8.64. There would be an impact on the Local Wildlife Sites at Waterleaze Copse and Gorse Covert due to the cycle route located on the south side of the existing path. However, if the cycle route is located on the north side, this would be likely to result in the loss of T166. Lighting of this route could also be harmful to nocturnal animals but this has never been assessed.

8.65. The priority species affected include skylark and lapwing, barn owl, bats, brown hare and dormice. There is no satisfactory mitigation proposed. Hop-overs would not be appropriate over such large new gaps and dormouse gantries would have significant landscape impacts and would be unlikely to actually be used. The plots proposed for the skylarks and lapwings are "ungenerous".

The Crossings[147]

8.66. The proposed valley crossings have not been accompanied with information to demonstrate that there would be no adverse impact on badgers, bats, barn owls and other bird species. The risk of vehicular mortality to low flying species attempting to cross the Central Valley Crossing has been downplayed, and no information has been presented with regard to shading.

8.67. The CMS underestimates the impact of construction.[148] There are no details in respect of the construction of bridge abutments, the location of which, in association with even a restricted working area / earthwork, will encroach into Barn Copse ancient woodland and/or its buffer; constructing the proposed twin deck structure with no access via Warren Road will impact on the construction method and the second deck increases the overall working footprint. A precautionary approach (necessary when dealing with the protection of irreplaceable woodland habitat and European Protected Species) has not been adopted. A narrower bridge would reduce construction impact and therefore environmental harm. In respect of the Crook's Copse Crossing, the proximity to the crossing of the only main badger sett within the Site would exacerbate the likelihood of badger mortality when attempting to cross the road.

[145] WBC Closing Submissions paras 96-99
[146] ID19
[147] WBC Closing Submissions Paras 100 - 101
[148] WBC Closing Submissions Para 100

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8.68. Therefore, whilst the Council recognises that there must be a Main Valley Crossing and a Crook's Copse Link, it considers that a single, narrower bridge for the Central Valley Crossing would be less harmful and a bridged structure rather than an at-grade road at Crooks Copse would be less harmful to valued and protected species of wildlife.

The Purple Moor Grass and Rush Pasture[149]

8.69. The Purple Moor Grass and Rush Pasture HPI covers 0.45 hectares on the appeal site. If it covered 0.5 hectares it would qualify for SSSI status but, at present, has County importance. It will be directly impacted by the Central Valley Crossing, paths, SuDS and conveyance channels and construction works. This loss is not quantified in the Biodiversity Net Gain metric provided by the appellants and there is no adequate mitigation for loss of this HPI. There is wider concern that the Marshy Grassland habitat within the two valleys, which act as complementary, adjunct semi-natural habitat to the adjacent complex of ancient woodland parcels, will be seriously disturbed and damaged by the sheer quantity of recreational users of the Country Park.

8.70. The location of the proposed SuDS basins and conveyance channels will impact on wetland habitats and wider ecological interests, particularly in the narrow northern valley between Slockett's Copse and High Wood and to the south of Slockett's Copse and Slockett's Copse West.

Whether the submitted bat and badger surveys are adequate[150]

8.71. The 2019 surveys indicate that there is a reasonable likelihood that protected species are present on the Site and will be affected. The CIEEM Advice Note dated April 2019 advises that the surveys undertaken are no longer valid in relation to mobile species including badgers, bats and dormice. The woodlands have not been adequately surveyed, there is potential for barbastelle bats to be present. The surveys have other limitations, for example, the most recent (2019) reptile survey was only carried out in DPN.

Whether the proposal would provide a Biodiversity Net Gain[151]

8.72. Calculations for Biodiversity Net Gain (BNG) should not include irreplaceable habitats such as ancient woodland. The HPI is not included in the metric. Neither is physical degradation of habitats, or the substantive displacement of species. The BNG is inflated and must be tempered with a degree of realism. Similarly, protected and locally important species needs are not covered by the metric. The loss and deterioration of ancient woodland has not been assessed separately, comprehensively and appropriately.

8.73. The proposal is contrary to CS 17 which provides that biodiversity assets will be conserved and enhanced. Furthermore, the development would harm directly or indirectly a LWS, ancient woodland, a HPI and species of principal importance. It would only be permitted under CS 17 if there were no reasonable alternatives and there were clear demonstrable social or economic benefits of regional or national importance to outweigh the harm.

[149] WBC Closing Submissions Para 102
[150] WBC Closing Submissions Paras 104-106
[151] WBC Closing Submissions Paras 107-110

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Whether the proposal is acceptable with regard to carbon emissions and renewable energy[152]

8.74. In the Government's response to The Future Homes Standard (January 2021), it acknowledged that homes constructed now and in the next decade will still exist in 2050 and that "more must be done to decarbonise all buildings".

8.75. The appellants submitted an amended condition which would secure a 19% improvement on the energy performance standards of Part L 2013 of the Building Regulations and thereafter to comply with minimum standards, given those minimum standards within the Building Regulations will change over time. However, this would be necessary with or without the condition proposed as and when Building Regulations are amended.

8.76. In relation to Climate Change the Strategic Objectives within the Core Strategy include to "*exceed national targets for carbon dioxide emissions reduction and deliver the District's growth in a way that helps to adapt to and mitigate the impacts of climate change*".

8.77. The requirement in Policy CS 15 for zero carbon development is a standalone requirement for major development only and says that it is to be based on CO2 emissions "*after the installation of energy efficiency measures related to either the Code for Sustainable Homes, BREEAM or equivalent method has been applied*" (i.e. Building Regulations). Therefore, the Building Regulations are to be applied but, on top of that (and fulfilling the strategic objective to exceed national targets) the residual impact needs to be zero after 2016.

8.78. Policy CS 15 can adapt as national policy changes. Footnote 74 of the CS simply explains that the requirements imposed are "in line with stated government aspirations which may be subject to change". Government aspirations are going in one direction – to reduce carbon emissions and to achieve net zero. This policy and its requirements are "in line" with Government aspirations.

8.79. Policy CS 15 is consistent with the Framework in seeking renewable and low carbon energy. A Development Plan policy is not superseded by a WMS which has never been consulted upon nor examined. Section 1 (1) (c) of the Planning and Energy Act 2008 still allows for local planning authorities to impose their own reasonable requirements.

8.80. The PPG needs updating to reflect the Future Homes Standard Government response which accepted that the combination of the Planning and Energy Act 2008 amendment not commencing and the WMS led to the "current position" which "has caused confusion and uncertainty for local planning authorities and home builders alike". Development Plan policy and National Policy are "in line". Moreover, PPG states that addressing climate change is one of the Framework's core land-use principles that should underpin plan and decision making.[153]

8.81. CS 3 requires the generation of on-site renewable energy. The appeal scheme proposes 12%.

[152] WBC Closing Submissions Paras 111- 133
[153] PPG Reference ID: 6-001-20140306

8.82. The WBC Declaration of Climate Emergency is a material consideration, as is the target of net zero by 2030. The Head of Policy within the Council confirmed there would be amendments to the draft policy DC3 and the Council's intention is to maximise energy efficiency and to reduce as much as possible the onsite regulated carbon.[154]

8.83. The Swale Decision Letter is a material consideration on this topic.[155] Although the SoS did not support the Council's suggested condition for that proposal, the circumstances can be differentiated. In rejecting the condition proposed by the Inspector, the SoS did so only because there was no planning policy to justify it and the Council's guidance had not been through a public examination process and there was no existing or future local plan policy.

8.84. The SoS also stated that the proposed conditions went beyond current and emerging national policy. The Council has a local plan policy that has been through public examination and which the latest AMR says is the relevant policy. It has an SPD for Sandleford which was consulted upon and which builds on and refers to the requirements for net zero within the Core Strategy. The condition proposed is reasonable and necessary because of the policy position, because of the climate emergency and because this is one of the largest single developments across this district which should set an example to developers and provide comfort to residents that planning policies and declarations (local and national) are meaningful.

8.85. Building Regulations lag behind climate change evidence. As the lowest common denominator, they will make impossible the Council's local target to reach net zero by 2030, adopted in September 2020 as part of its Environment Strategy.

Whether the submitted Unilateral Undertaking would deliver the necessary infrastructure and comply with the tests[156]

8.86. The Council is satisfied with the UU in so far as it relates to Education, the Travel Plan, Public Transport, Affordable Housing, Health Care, the Rugby Club and the PROW. The Council is also content with the off-site Highway works both in the form of S278 works and also contributions towards highway infrastructure, including the two options of how to deliver the improvements at the Pinchington Lane junction (either by direct contributions or as S278 works). The Council submits that the relevant tests are complied with. However, some crucial elements of infrastructure are still not delivered.

8.87. These include:

(a) The bus link through the site to Warren Road;

(b) An all-vehicle access link through Warren Road;

(c) Improved cycle link at Andover Road.

[154] WBC Closing Submissions Para 127
[155] ID7
[156] WBC Closing Submissions Paras 134-136

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8.88. CS 3 requires "Provision for retail facilities in the form of a local centre and business employment". Section F of the Sandleford SPD requires community facilities including "Small scale retail facilities to provide at least one local shop/convenience store" and "A space for indoor community use…". The Council objects to the Marketing Plan and Marketing of the Local Centre, in Parts 3 and 4 of Schedule 2 of the UU. It considers that these Parts should be deleted from the UU and that delivery of the Local Centre should take place in accordance with the requirements of the respective proposed condition. This is a policy requirement and part of the description of development of the appeal proposal and the Appellants need to deliver it.[157]

8.89. The continued inclusion of a "Contribution" / "Ransom" Strip along the western boundary reinforces the Council's concerns in respect of the failure of the appeal proposal to deliver the comprehensive development of the SSSA and risks the possibility that the 2 parts of the SSSA may never connect and there may never be a comprehensive and cohesive development.[158]

8.90. The Council is content to take on the management of the Country Park as proposed in the UU. However, the retention of a 30 metre wide strip of land close to Gorse Covert by the appellants, as proposed in the UU, is unacceptable and will have an impact on ecology and biodiversity. This matter has arisen without any discussion with the Council or justification. Its inclusion is problematic to the Council's offer to take on the Country Park and its future management and maintenance.[159]

8.91. Subject to the contributions within the UU the Council is willing to take on the management and maintenance of the other public open space within the appeal site, including the play areas. [160]

Whether the proposed development would restrict, prevent or preclude the development of the New Warren Farm site and the timely delivery of infrastructure for the allocation as a whole; Whether the proposal is acceptable in absence of a single planning application.[161]

8.92. A single planning application is required by relatively recently adopted Policy GS1 and by Development Principle S1 of the Sandleford SPD. This is to ensure the timely provision of infrastructure, services, open space and other facilities in a properly coordinated fashion, as well as the optimum approach to the development and to maximise the potential of the allocation as a well-planned and sustainable urban extension.

8.93. Any argument that the Local Plan Review is considering dropping the requirement for a single planning application must be seen in the context that it is emerging, carries little weight and, in any event, still requires comprehensive development.

8.94. The Memorandum of Understanding (MOU) is not legally binding. The Combined plans are deficient. The Combined Green Infrastructure Parameter

[157] P/ID7
[158] WBC Closing Submissions para 148 and P/ID9
[159] P/ID8 & P/ID9
[160] P/ID8
[161] WBC Closing Submissions paras 137 -148

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plan does not show pedestrian and cycle access points corresponding to the Access parameter plan for the appeal. The Combined Building Heights Plan does not have heights in metres.

8.95. Both Policy CS 3 and the Sandleford SPD require an access from Warren Road onto the Andover Road. This is not provided and impacts on the vehicular permeability of the development and the attractiveness of any bus route. There are limited bus services currently on Andover Road with 5 services per day only between Newbury and Andover. The bus route terminating at the Local Centre, turning around and going back out of the site the same way they come in was acceptable on the basis that eventually the bus route is expected to progress through the site and on to Andover Road and provide a sustainable transport link and full vehicular access link. A loop and return bus route is highly unattractive and no one will use it and this will impact on its viability.

8.96. Access to Andover Road depends upon the outcome of the planning application being made on the adjacent site. The point is that no one knows what the outcome will be, whether it will ever be implemented, whether development will ever happen. The proposal fails to comply with CS 3 and CS 14 and ADPP2 in relation to the bus service.

8.97. The requirement for the Central Valley Crossing to provide emergency access would not be necessary were it not for the separate applications. In the absence of that permeability through the site, crucial for emergency access, the Central Valley Crossing requires additional width.

8.98. The proposal will not deliver:

(a) Housing on the adjacent site so will fall short of maximising housing delivery.

(b) The bus link through the site to Warren Road.

(c) An all-vehicle access link through Warren Road.

(d) Improved cycle link at Andover Road.

(e) The site holistically as one community, within which there are two new neighbourhoods to the north and to the west of the site.

(f) Infrastructure needs arising from the development planned and delivered comprehensively in a timely and coordinated manner which keeps pace with the development.

8.99. There is no certainty that the adjacent site will come forward at a similar time to the appeal site or at all. DNH is part of the Partnership due to develop the North East Thatcham Site Allocation. The Partnership has negotiated a collaboration agreement which is in the process of being signed by all parties and a single application for the entire site is expected to be submitted.

8.100. In the absence of a collaboration agreement, or a legal agreement, joining the adjacent site to the s.106 obligation, the Council is ready to pursue compulsory purchase which would ensure a single application and control over the whole allocation to achieve the Strategic Objectives. This has the added benefit of avoiding the following harms and risks:

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(a) A wider than necessary Central Valley Crossing to accommodate the emergency access;

(b) DPC being a large cul-de-sac served by a bridge;

(c) the lack of public transport, vehicle and cycle connectivity to the west of the site;

(d) risks to infrastructure as identified;

(e) difficulties with design codes including difficulties with enforcement to difficulties prioritising one development over the other;

(f) unnecessary increased harm to the sensitive environment of the Central Valley due to the lack of availability of a second access from the west;

(g) concern regarding the imposition of the contribution strip which risks the possibility that the 2 parts of the SSSA may never connect and there may never be a comprehensive and cohesive development.

The Planning Balance[162]

8.101. The ordinary planning balance under s.38(6) applies. The proposal is in conflict with several Development Plan policies relating to landscape, biodiversity, trees, suitable sustainable drainage and renewables (CS 15, 16, 17, 18, 19). In addition, the proposal does not comply with ADPP1, ADPP2, C1, C5, GS1. In relation to CS 3, it has failed to deliver the housing it should have, it fails to provide a bus route and cycle route from Warren Road, it fails to conserve the areas of ancient woodland.

8.102. Conflict with an up-to-date development plan carries? substantial weight. Conflicts with the Sandleford SPD, the Framework and the emerging plan also weigh against the proposal. The proposal conflicts with the Council's declaration of a climate emergency. There is also the residual highways harm which will be unmitigated.

8.103. The benefits include housing and affordable housing in a district in which there is a robust 5 year housing land supply. Market housing is not a benefit of substantial weight. The Council currently has a 7.6 year housing land supply and has provided for the delivery of 10,500 dwellings long before the end of the plan period.

8.104. The shortfall in affordable housing is not agreed. The 319pa includes a figure for the new widened definition of those in need but for which there is no guidance available. It is nothing more than an estimate. By including those who can afford to rent but cannot afford to buy (and aspire to buy) care must be taken not to prejudice the delivery of affordable housing for those in the most acute need (163 pa). Whilst the Council accepts the need is high, it is not accepted that its shortfall is over 200 per year.

8.105. "Facilitating" the delivery of the adjacent site is not a benefit. The off-site highway works, the School expansion, and the local centre are all required whether or not Sandleford West comes forward. The need for them arises as a

[162] WBC Closing Submissions Paras 149-162

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result of this appeal proposal and as contributions are expected to be repaid, these cannot be seen as benefits. The Local Centre may never materialise and is not a benefit if it cannot be secured. The economic benefits are not unique.

8.106. The Council submits that the contention that the disbenefits arising are as a result of the allocation, is not correct. At the stage of allocation, information available was not in the detail as it is before this Inquiry. The Core Strategy Inspector could not possibly have understood that 250m x 6m of hedgerow at Monks Lane would be removed or that there would be unmitigated traffic impacts (albeit not severe), or that the ecology harm could be at the level it is.

8.107. The Council also points to the lack of permeability and connectivity, the failure to provide the Community Facility, the woodland impact, the missed opportunity to properly respond to the historic landscape character as other disbenefits.

8.108. There are benefits but they cannot and do not outweigh the extensive policy conflict and/or the material considerations and disbenefits weighing against the scheme.

Conclusions [163]

8.109. This site has been allocated for nearly 9 years with not a single house built. The Council has a robust 5 year housing land supply. Against the Core Strategy Requirement of "at least 10,500" dwellings to be provided, the subtotal of dwellings completed and outstanding with planning permission at March 2020 (6 years ahead of the Core Strategy plan period) is 10,911.

8.110. Allocation does not mean that any proposal put forward will be granted. The Sandleford SPD is an important material consideration but the proposal still needs to comply with the Development Plan as a whole unless material considerations demonstrate otherwise. The Development Plan policies are up to date and the proposals are in conflict with the Development Plan. Furthermore, the proposal is contrary to Strategic Objectives 1, 2, 4, 5, 6, 7, 8, 9, 11, 13 and 14 of the Sandleford SPD and paragraphs 170 and 175(c) of the Framework.

8.111. This outline application is full of errors, inaccuracies, inconsistencies. Given the Council's robust housing land supply, the Council repeats that there really is no rush for housing. There is time to wait for a planning application that demonstrates a carefully struck balance between built environment and natural environment. If not, the Council has plans of its own.

The Updated National Planning Policy Framework[164]

8.112. There is a change in emphasis within paragraph 8c) (the environmental objective of sustainable development) which it considers sets a higher threshold.

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[163] WBC Closing Submissions Para 163-168
[164] P/ID18

8.113. Paragraph 131 identifies the contribution that trees can make to the character and quality of urban environments, and their role in mitigating and helping to adapt to climate change.

8.114. Paragraph 180 d) requires the integration of opportunities to improve biodiversity in and around developments.[165] The Council consider that this provides a stronger emphasis compared to the previous version which sought to encourage such opportunities.

9. Case for Newbury Town Council

[This summary of the case for the Council Appellants is based on the Closing Submissions, the Proofs of Evidence and other submissions to the Inquiry]

9.1. Newbury Town Council and Greenham Parish Council submitted their cases jointly to avoid duplication but made separate opening and closing submissions. Councillor Adrian Abbs of Greenham Parish Council and Councillor Dr Chris Foster of Newbury Town Council provided evidence in respect of net zero carbon homes and the effect of the proposal on ancient woodlands on behalf of both Councils. Their evidence is summarised in this section and not repeated in the Case for Greenham Parish Council below.

9.2. There has been much evidence about the deleterious impact of the development on ancient woodlands on the site and their interconnectivity. We note the provision of a minimum 15m width buffer zone which it was originally proposed would contain built features such as SuDS potentially affecting the hydrology of the woodlands. Further evidence was presented showing damage to the interconnectivity of the woodlands by changes to the hedgerows.

9.3. Trampling adjacent to footpaths and woodland edges can impact on flora and invertebrates. Unmanaged footpaths can lead to the creation of informal paths and thereby add to the damage. Other impacts include changes to the vegetation structure, dumping of consumer or construction waste and the spread of non-native invasive species. Light pollution could modify behaviour of crepuscular and nocturnal species.[166]

9.4. Approximately 26% of households own a pet cat, making an estimated total of 10.9 million domestic cats in the UK, and 24% report owning a dog. A development of 1000 houses is therefore likely to have at least 260 cats and 240 dogs associated with it. As well as direct predation, cats can have significant sub-lethal effects ultimately reducing the abundance of bird populations. As potential predators dogs are also likely to modify birds behaviour. Predation rates from other wildlife has also been shown to increase with increasing human housing density.[167]

9.5. Although the woodlands are already fragmented by arable fields and grassland, the developed areas are likely to be less permeable to wildlife, cutting off connectivity between the woodlands. Insectivorous birds are

[165] Previously 175 d). The Council's note refers to 180 c) and 175 c) but this would appear to be an error.
[166] Cllr Dr Chris Foster POE Section 2
[167] Cllr Dr Chris Foster POE Section 3

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reluctant to cross between habitat patches in the vicinity of high-density housing. Much of the ancient woodland at Sandleford Park is likely to be affected by trampling, disturbance, litter or edge effects and domestic pets, or a combination of these issues. The remaining area of undisturbed woodland is just 15% of the total.[168]

9.6. Almost all of these potential effects would extend beyond the minimum 15 metre buffer currently proposed. We support the Council's recommendation that this development should provide an appropriate and more generous buffer. A buffer of 50m would be an absolute minimum, and further examination has suggested that 100m would be more appropriate to mitigate most of the threats.[169]

9.7. Draft Condition 16 seeks an assessment of the impact of any structures in the buffer zones, but neither party seems to be suggesting increasing the buffer width more than 15m. We would hope for a minimum of 30m in line with the evidence presented by Cllr. Foster. The appellant's view is that these issues can be dealt with at the reserved matters stage and might result in an increase in density of the housing. They did not seem to consider the alternative, namely a reduction in the number of dwellings. The size and content of the buffer zones affects density, numbers and layout and so therefore they should be an integral part of this application, rather than something to be dealt with in reserved matters.

9.8. Mr Cooper's Landscape Value Impact Assessments did little to allay our fears about the inadequacies of the buffer zones, the placement of SuDS and paths within them and the general impact of the development on the greater landscape.

9.9. The physical layout of the buildings is also a reserved matter. The orientation of the buildings to facilitate solar power generation and solar gain will significantly affect the layout and density of the development and should be part of this application. All three local Councils have declared a Climate Emergency and are actively developing policies to deal with it. We would expect that should the SoS be minded to give permission for this development that it would be exemplary in this regard. We note the content of draft condition 11) but feel that it does not go far enough, for example the appellants version only requiring a 19% reduction in Carbon emissions against the 2013 standard.

9.10. Based on an indicative layout from a previous proposal it was found that an average of 71.25% were poorly orientated to benefit from solar gain. [170] It would therefore seem that the appellant has either decided to actively ignore the advantages offered by the site or has simply not considered either the natural passive solar gain that could contribute to net-zero carbon homes.[171] Any changes to the orientation of buildings and the resulting changes to the

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[168] Cllr Dr Chris Foster POE Section 4
[169] Cllr Dr Chris Foster POE Section 5
[170] Bloor Homes (2015) Site Plan
[171] Cllr Adrian Abbs POE Section 3

internal road structure will affect the flow of traffic within the site. That in turn could alter the loading at the various entry and exit points.[172]

9.11. Nothing we have heard in the Inquiry has changed our view that the development of the totality of Sandleford Farm must be brought forward as a single planning application. As this is an application for Sandleford Park section only there is some doubt about the appropriation and application of the costs of mitigation should Sandleford West be given permission and what happens to Warren Road.

9.12. We accept that this Sandleford Park application will include pedestrian access along the PROW via Warren Road to Andover Road but we, like many of the residents, remain opposed to the all vehicular use of Warren Road for access to the Sandleford Sites. This is because of its junction with the Andover Road being in such close proximity to sensitive receptors such as schools and community facilities, that the extra traffic would give rise to road safety issues, congestion and add to the general chaos at school times.

9.13. The vast changes proposed to the A339/Pinchington Lane/Newtown Road/Monks Lane replacing roundabouts with signalised junctions (with an 8-lane interconnection!) also remain a great concern because of the visual impact and the potential for adverse effects on local air quality from standing traffic – especially so as the West Berkshire Council Highways Officer feels that traffic can be "held" there in order enable "platooning" within the A339 corridor that will enable the local highway network to operate more efficiently.

9.14. The Council has a robust 5-year housing land supply. Given the adequacy of the housing land supply, the emerging Local Plan Review to 2037, together with the accepted deleterious impact on the locally valued landscape, the ancient woodlands and the lack of a single comprehensive planning application for the whole Sandleford site, this contentious application should be refused permission by the SoS. Furthermore, we feel that this application is premature until the Local Plan Review is complete and the full impact of social changes post-Covid are known.

9.15. Should the SoS be minded to give permission for this development, then it should be for a scheme containing fewer housing units to allow the removal of SuDS and conveyancing channels from the critical and sensitive buffer zones surrounding the ancient woodlands by placing them in the developed areas of the site. A reduction in the number of houses would also reduce the amount of extra traffic and hence the scale and cost of the necessary mitigation works needed to the highways network; It would also allow more room for the relocation of hedgerows affected by the proposed visibility splays for the Monks Lane accesses.

9.16. Schedule 3 of the Section 106 UU, concerning the establishment of a Management Company to manage and maintain the Public Open Space requires the future residents of Sandleford Park to be liable for the future costs arising from large areas of public open space over which they have no ownership or control. It would be a far more sustainable and equitable solution to see the public open spaces adopted by the Planning Authority, who

[172] Cllr Adrian Abbs POE Section 4

may then discuss devolution proposals with NTC and GPC. In our opinion this would be a much fairer outcome for the residents and better serve the longer-term maintenance of the Public Open Space by bodies who are democratically accountable.

9.17. The Councils are concerned that should the marketing fail to find a purchaser for all or part of the Local Centre the provisions of paragraph 9.3 in part 4 of the UU will effectively remove the opportunity for any further community use. NTC and GPC would like the option to provide a community shop, public house or childcare facility run by a Community Interest Group. This would ensure the future provision of community services for residents.[173]

9.18. The Councils expect that the communities will wish to use the land allocated for the Community Centre and the Local Centre in the manner envisaged by the new Use Class E, this is intended to ensure social sustainability. The reversion of the land from a Local Centre to provide additional dwellings is not necessarily the best community use of the land.[174]

9.19. The Councils do not accept that there is a need for a ransom strip to secure the access through to Warren Road for the DNH site and are of the view that this schedule should be removed.[175]

10. Case for Greenham Parish Council

[This summary of the case for the Council Appellants is based on the Closing Submissions, the Proofs of Evidence and other submissions to the Inquiry]

10.1. Sandleford Partnership have done nothing to make this site increase in value from what it was worth as farmland and a shooting estate to what it became worth when the Local Planning Authority allocated it for housing – except respond to a Call for Sites. They own a site which happens to be adjacent to a very prosperous town which has excellent communications and a delightful hinterland. They are entirely passive partners in all this, unlike Bloor Homes, the Planning Authority, and the hard-working local families of Newbury and Greenham whose enterprise, earnings and spending money make this an attractive area and scarce farmland to be built on here so valuable.

10.2. England has one of the most dysfunctional housing markets in the developed world. There is only one local authority area in England in which a family on average income can afford to buy their home without help from the 'bank of mum and dad'. The children of low-income working parents living in West Berkshire villages cannot even afford the market rent of homes in the village they grew up in. A market where you have to create a category called "affordable".

10.3. The UU would allow the Owners of the Appeal site to retain ownership of all the public open space, appoint a Management Company and charge residents an annual fee for maintenance. We would like the UU and/or the planning conditions amended to ensure that the District Council has first refusal on any

[173] P/ID12
[174] P/ID12
[175] P/ID12

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transfer of ownership of all public domain land. If they decline to take this up, next in line should be the two Local Councils.

10.4. NTC Council already has the Power of General Competence, which gives it the legal status to do anything that a Legal Person could do. It already owns the majority of generously provided public open space in the former MOD land which constitutes nearly half of Wash Common Ward, plus Victoria Park, several other parks and almost all playgrounds. It currently employs the same contractor to manage these areas as the District Council uses for its highway land and urban parks. GPC successfully bid - under the Right to Buy an Asset of Community Value – for the Grade II Listed Greenham Common Control Tower, which is managed by a wholly owned charitable company. Our Local Councils are quite used to managing public domain land and buildings for the benefit of the whole public. We are accountable in perpetuity to the local community. We know best what our residents need from a Local Centre and from public open space, so we also want to be able to bid to own and run the entire set of onsite Community Facilities on this site.

10.5. Although any planning application submitted between 1 September 2020 and 30 July 2021 has to frame its documentation around the old Use Classes (A, B & D), by the time we get to a Reserved Matters application it will presumably be the new Classes E & F we are dealing with. Class F2 seems to cover everything needed in the designated Local Centre on this Appeal site but be more focused around community facilities than being commercial.

10.6. The Framework paras 92 & 128[176]; the Sandleford SPD policies F1 and P3 emphasise the need to involve the community at an early stage in the design of development. The SPD also requires the developer to explore opportunities for shared facilities with named local organisations. These organisations include Newbury College, Newbury Rugby Club and Park House School.

10.7. We strongly urge the developer to work with local representatives to secure access to and through these facilities. The Rugby Club not only has sporting facilities on its land but social ones. It has planning consent for an early years facility on land recently transferred to David Lloyd Leisure. The direct route through the Rugby Club would be so much more pleasant than having to walk or cycle along roads to the Falkland surgery and Monument Place shops. The careful placing and timing of access points to and from the Appeal site for non-vehicular journeys is important. The uses and usefulness of a Local Centre on site, which we believe the developer ought to provide oven ready to fit out – not just as a piece of land – is a function of how much use will be made by future residents of existing facilities off-site.

10.8. The developable area of the site is higher than the sensitive ancient woodlands. This means that most if not all the SuDS has to be incorporated in Green Infrastructure – mostly in public open space. That is why we also wish to see the Planning Condition 20 reflecting the need for public open space and SuDS to be managed as a single entity. The District Council, as Lead Drainage Authority, seems to us to be the best entity to have that responsibility. They are already responsible for overseeing land drainage across the whole District including developments as well as countryside.

[176] Now Paragraph s 93 and 132

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10.9. The families who most need social and affordable homes are the same families who most need to avoid paying for their own car, who need to have essential facilities including places of employment within walking, cycling or bus travel distance. Such journeys should be pleasant, safe and comfortable, otherwise people will rely on the car. Evidence from the Foundation for Integrated Transport shows that developments like this one do not result in sustainable travel and are as car dependent as those built in the 60s and 70s.

10.10. The Local Councils remain unconvinced that the modal shift claims of the developer, which the Local Planning Authority now accepts, will be achieved. I do accept that with more work on detailed junction designs and with a good Travel Plan managed directly by the District Council we could be proved wrong.

10.11. GPC accepts that several hundred well designed, carbon neutral homes would be perfectly acceptable and would not over-burden the road network. However, any significant reduction in numbers of dwellings may lead to a claim by Bloor that affordable housing was no longer viable here. The national target for achieving carbon neutrality is only 30 years away and the local one less than 10 years away. It seems absurd that we are allowed to accept a development now with such poor standards of home insulation when we know the technology is there which can achieve zero carbon. With the economies of scale that major home builders like Bloor could achieve the solution is in their hands.

10.12. Paragraph 131 of the Framework says "great weight" should be given to "outstanding or innovative" designs which can achieve "high levels of sustainability".[177] So should proposals that are not at all innovative and fail to achieve high levels of sustainability be afforded little weight?

10.13. Also, Framework paragraph 153 says that decision-makers should "*expect new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption*".[178] Cllr Abbs provided persuasive evidence on this matter. The proposal should be re-designed in accordance with the 2019 Framework, which is more up to date than the somewhat prescriptive 2015 SPD – especially when 2012 Core Strategy policy CS 15 was found sound by a fellow Inspector nearly 10 years ago and says that dwellings built from 2016 in West Berkshire should be carbon neutral.

10.14. We genuinely believe that this Appeal should be dismissed because the proposal is unfit for a future in which lifestyles and society generally must adapt to the Climate Emergency. These proposals will destroy a beautiful part of West Berkshire and won't contribute at all to tackling climate change. The homes are not needed urgently enough to allow anything less than carbon neutral for a scheme that has to last at least a century.

10.15. We believe that the TA is flawed and that the appellant's predictions of traffic congestion in the local highway network should be rejected due to the SOA

[177] Now paragraph 132
[178] Now paragraph 157

chosen for the Mode share for travel to work. [179] The part of the Appeal Site within the settlement area is mainly further from transport nodes, closer to major highways (A34 / A339) and significantly more elevated (by up to 40m) than the SOA used. All these factors make it more likely that residents will choose to use private cars for commuting. Therefore, the most appropriate area from the 2011 census would be that including Wash Common and the southern part of the then St Johns Ward.[180]

10.16. The existing cycle/footway all along the south side of Monks Lane provides a safe cycle route for Park House School pupils living in Greenham. It will be partially within the Appeal Site boundary where the main spine road joins Monks Lane. This junction is proposed to be a 'normal roundabout', contrary to latest Government guidance on cycle infrastructure design (LTN 1/20). Bloor also propose to create two more road junctions that will interrupt the cycleway. In total, this will destroy 250m (approx. a quarter) of the route.[181]

10.17. It is important to have the phasing of roadworks in particular, and occupation of new dwellings on the site, agreed at this outline planning stage. A temporary cycle route through the site should be kept open at start and finish of the school day during term-times. The PROW should be maintained throughout construction.[182]

10.18. The pedestrian / cycle access point shown to the south of the Rugby Club clubhouse is not suitable for cyclists or disabled access. We suggest that it is moved east by about 60m to where there is no difference in level across the boundary of the site. The cycle path would then run on almost level ground along the fence inside the Rugby Club and on past David Lloyd leisure centre to enter the School grounds at the corner of their sports pitch. There must be a route to school no worse than now for Park House School pupils from Greenham throughout any Sandleford Park development.[183]

10.19. West Berkshire Council is due to formally adopt a Local Cycling and Walking Infrastructure Plan (LCWIP) for Newbury & Thatcham areas, following on from the adoption of a LCWIP for the Eastern Urban Area in 2020. NTC and GPC have a number of concerns about the design of the roundabouts and junctions in terms of safety for cyclists, including the additional Monks Lane access.[184]

10.20. The existing light-controlled crossing 60m south of the A339 roundabout must be retained until new staggered light-controlled crossings have been installed. The Principal of Newbury College supports the use of the existing path linking the College access road with the existing light-controlled crossing during construction of the new crossroads, as a temporary route for public use. The replacement signalised crossings should cater for cargo / trailer bikes since it

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[179] SOA – Super Output Area (the Census Area Selected for the journey to work data for existing residents)
[180] Cllr Tony Vickers POE Appendix 2
[181] Cllr Tony Vickers POE Appendix 3
[182] Cllr Tony Vickers POE Appendix 3
[183] Cllr Tony Vickers POE Appendix 3
[184] Cllr Tony Vickers POE Appendix 4

is likely that many (if not most) households living on the SSSA will shop at the retail park and hypermarket.[185]

Unilateral Undertaking

10.21. There is concern that should the marketing plan fail to provide a purchaser the terms of the UU may remove the opportunity for any further community use. It is requested that the UU be amended to allow for community use in these circumstances.

10.22. The need for the contribution strip is also questioned.

11. Case for Say No to Sandleford (SNTS)

11.1. Most lay people are bemused as to how Sandleford Park went from a site that was assessed in 2009 as unsuitable for large scale development and ranked joint last in a comparison of 13 sites across West Berkshire, to being the preferred site for a strategic housing allocation in just a year.

11.2. The proposals adopted as part of the Core Strategy in 2012, were largely carried forward into the Sandleford SPD. These included a Primary School in the north-west corner of the site, the organisation of the site into two neighbourhoods, the delivery of up to 2,000 homes and the provision of a large Country Park. However, the Sandleford SPD had three important amendments: the requirement to provide a single outline plan for the whole site to ensure a comprehensive and holistic development, the need to explore the provision of an access road to the East to link to the A339 and the need to explore making Warren Road access an all vehicular access.

11.3. The requirement for a single application was because the site was owned by two separate landowners and their chosen developers had divergent interests in how the development was to be brought forward. The requirement for the two access roads was in direct response to the Highway Officer's concerns in providing site permeability and to allow a better distribution of traffic to reduce the strain on key hotspots on Newbury's already congested road network.

11.4. However, the proposal to make Warren Road an all vehicular access means that the Sandleford SPD potentially conflicts with the Core Strategy. The Core Strategy Inspector found that the Core Strategy would be unsound unless main modifications were made which included specific wording on making Warren Road a sustainable link for the use of buses, cyclists and pedestrians only. It would seem that there is a difference between the developers as to how the site should be brought forward. DNH want to develop their part of the site, Sandleford Park West, before the completion of the Valley Crossing. In the absence of Warren Road this would be the only construction route to their part of their site. For commercial reasons Bloor Homes are unwilling to forward finance the Valley Crossing until they have developed and partially sold the northern parcels of the site.

11.5. The differences between the developers and their desire to deliver the site through separate applications leads to unnecessary duplication and a failure

[185] Cllr Tony Vickers POE Appendix 4

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to deliver a holistic and comprehensive development which was the undertaking in allocating the site strategic status.

11.6. The proposals do not take account of the most recent developments and direction of travel in environmental protection, action on climate change and ensuring improvements in air quality. Whether or not the appellants and the Council have reached agreement on some of these issues should not matter if they are still in breach of the relevant policies either at a local or national level.

11.7. We also heard how 2 separate applications can deliver the same benefits as a single application through conditions to ensure interconnectivity between the sites and the use of a design code to ensure a degree of harmony between the two halves of Neighbourhood B.

11.8. There is great uncertainty on how the DNH proposal will be brought forward and the role Warren Road will play. The appellants stated that Warren Road was an inappropriate route for construction traffic. There are also question marks over the extant permission to widen Warren Road. Planning permission was granted before an ecological assessment was carried out, and roosting bats have now been found along the proposed route. The appellant cannot guarantee that this route will be available in any form other than the existing footpath. Most of the community services that the inhabitants from Sandleford Park may want to use, such as churches, convenience stores, dentistry, hairdressers etc lie on this route. In wet winters such as we have just experienced, this would be an unpleasant route to use, but the alternative is a long circuitous route via Monks Lane.

11.9. It is right that a Primary School should be at the heart of any neighbourhood. The proposed two form entry Primary School will be in the northwest corner of the site alongside a major access road and close to the main junction to Monks Lane. It is intended that the Primary School will serve the entirety of the appellant's development. This means that families living in the central development parcel, that is supposed to form part of Neighbourhood B will have to traipse across the central valley crossing into Neighbourhood A to get to school. As such there will be little reason for interaction between the two halves of Neighbourhood B.

11.10. If the site was brought forward as a single entity one would anticipate a one form entry Primary School serving some 500 homes in Neighbourhood A of and a two-form entry Primary School serving Neighbourhood B, which when both halves are delivered will have 1,000 homes. This would also have the benefit of many of the families avoiding a walk that involves long stretches of the major access road.

11.11. The Primary School location is a legacy of a design drawn up in 2009 that fails to take into account that legislation and policy has since moved on as has our understanding of the harmful effects air pollution has on our young and vulnerable people. This is why we need a single comprehensive plan for bringing forward the whole site, and is one of the reasons why this appeal should be refused.

11.12. All three of the proposed major access roads (assuming Warren Road is made all vehicular) will pass primary schools. The appellants' Air Quality witness

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stated that modelling showed that air pollution from traffic were well within the permitted bounds of current UK legislation. As we move to all-electric vehicles the risks posed by exposure to NOx pollutants will diminish. But many of the first inhabitants of Sandleford Park will still face pollution from combustion engine cars. SNTS's real concern is with particle pollution and especially smaller particles where there is a growing body of evidence to indicate that these cause real harm in even relatively small concentrations as shown in our Proof of Evidence.

11.13. Mr Mann explained that with $PM_{2.5}$ current legislation has these at 25microns per m_3, whilst WHO recommended limit is $10m_3$. The modelling showed that at key points around schools it is anticipated that micron levels of these smaller particle matters will be around 9.5. However, this is a mean measurement over an hour, and Mr Mann advised that the model allowed a margin of error of up to 25%. We also know that at morning peak rush hour this measurement is likely to be higher. Mr Mann acknowledged that stop start traffic would increase the measurement, and of course it is at morning peak rush hour when families with school children will face most exposure as they make their way to school. If we are to "Build Back Better" surely we should adopt a pre-cautionary approach and build to keep future generations of school children and young families out of harms way. This development is primarily to address a shortage of family homes in the District. The need to improve air quality is recognised by Policy DC7 of the Council's emerging Local Plan.

11.14. One of the reasons that Sandleford was chosen as a strategic site was that it lay within 2km of the town centre. The Transport SoCG shows that from the nearest northern entrance the train station is 2.5km, the bus station is 2.6km and the town centre is 2.9km.[186] A significant portion of the site is over 4km from either the train station or the town centre. This does not suggest that this is a site that supports sustainable modes of transport, especially when you add in the long incline from the town centre to the site.

11.15. The idea therefore that during peak rush hour traffic will be distributed in a way that only every other house will see a single car movement at any one time seems to fail the common-sense test. It is likely that traffic levels will be considerably higher than modelled and that these will add to the already congested peak time. Many routes are heavily used by school children who will be exposed to the same air quality concerns mentioned above.

11.16. We are told that there will be a net biodiversity gain through restoring agricultural land to grassland. However, this assessment excludes the development of Sandleford Park West.

11.17. This net biodiversity gain also fails the common-sense test where the grassland will be extensively used for human recreational use, such as picnics, exercising dogs, children playing. Certainly not from the existing protected ground nesting birds of SkyLarks and Lapwings that currently inhabit the site. It is very difficult to see where another protected species, the Brown Hare will find accommodation given his current protection in the fringes of Crooks

[186] ID 11 Table 2.1

Printed on Eco Paper

Copse ancient woodland will be surrounded in development and his grazing ground will be built over.

11.18. Protection of ancient woodlands and increasing biodiversity are seen at the heart of the Government's attempts to tackle climate change, as shown by the Prime Minister's signing of the UN Pledge to Nature, and the recently published The England's Tree Action Plan.[187] The Framework states that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

11.19. In this instance there are no exceptional reasons. West Berkshire has a plentiful supply of housing coming on stream and the emerging Local Plan has identified other housing sites that are likely to come on stream before Sandleford Park. The appellants argue that they have mitigated potential harm by instigating 15m buffers in accordance with the Council's Sandleford SPD. Whilst there is agreement that the buffers should be 15m, there is disagreement as to whether infrastructure for the development and for the Country Park can be contained within those buffers.

11.20. The very premise of 15m buffers is wrong. We have in our proof of evidence shown extensive research on the harms caused by developments to ancient woodland. We note Natural England's response to the Pond House Farm Development for 100 homes. The implication of this is that for a development of the scale proposed,15m buffers around the ancient woodlands are totally inadequate. To ensure that the ancient woodlands are not negatively impacted by the scheme the Woodlands Trust recommendation of 50m buffers would seem to be appropriate.

11.21. If the SoS allows this scheme to go ahead it will send a clear message of housing over the environment regardless of whether there are better places to build. If he refuses on all the grounds we have outlined above then it would be a statement that this Government really does intend to Build Back Better.

Unilateral Undertaking

11.22. Mr Norman on behalf of SNTS made a number of detailed comments regarding the definitions used within the UU, the siting of the Primary School, the timing for the delivery of the Primary School, and the level of contribution for the Secondary School. He questioned the location of the Primary School and the delivery of the Secondary School.

11.23. He also suggests that the Travel Plan contribution should include a voucher for electric bikes, the delivery of the community facility. The marketing of the local centre. He also suggests that the various 'triggers' should be linked to a percentage of houses rather than precise housing numbers to reflect any reduction in the number of dwellings that may be necessary to accommodate more generous buffers or other features.

11.24. SNTS considers that the Rugby Club should 'sign off' the Triangle Land plan and the financial contribution to the Club.

[187] ID55

National Planning Policy Framework July 2021[188]

11.25. Mr Norman refers to paragraphs 7, 8, 11, 12, 22, 47, 73, 84, 88, 92, 98, 105, 106, 107, 112, 120, 122, 134, 154, 157, 174, 179, 180, 182, 185, and 186 of the Framework.

11.26. Although the paragraphs referred to may have some relevance to the proposed development, many are unchanged other than in terms of their paragraph number from the February 2019 Framework. There are two discernible differences. Paragraph 11 of the current Framework differs from the previous version in that sub-paragraph a) states that *all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.*

11.27. Whilst this change relates to the plan-making part of paragraph 11, Mr Norman submits that the Core Strategy and the Sandleford SPD are out of date as demonstrated by the depth of the buffers to the ancient woodland. On this basis he asserts that paragraph d) is engaged and the proposal fails to satisfy the criteria within paragraph d) due to the impact on protected habitats, school children and families and the failure to implement measures in relation to climate change.

11.28. Paragraph 22 of the Framework states that: *Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.* Mr Norman comments that the West Berkshire Vision Document only extends to 2037.

12. Other persons appearing at the Inquiry

Berkshire Gardens Trust Bettina Kirkham[189]

12.1. The Berkshire Gardens Trust represents the views of the Gardens Trust, a statutory consultee on historic landscape matters.

12.2. The site forms an important setting to the Registered Park and listed Sandleford Priory. Weight should be given to the historic landscape value of the park in considering the balance. The landscape sensitivity of the area, rightly protected by the proposed Country Park, is due in a large part to its historic role as a setting to heritage assets and in its own right.

12.3. The wider parkland was particularly important to both the Montagues who had an interest in the park in the late 18th century but in particular to Capability Brown whom they employed to look at improving the estate. Figures 1 to 3 of Mr Cooper's evidence show the land to the west of Newtown Road to be a key part of the estate, the majority of the parkland was in many ways much as it is now.

[188] P/ID 19
[189] ID 15

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12.4. Our outstanding concern is with the highway proposals for Warren Road, the valley crossing and the pedestrian/cycle/emergency access across the Country Park. The approved outline scheme should demonstrate that a sympathetic design in keeping with the character and appearance and history of the parkland estate can be achieved, thus avoiding an adverse impact on the historic value of the parkland.

12.5. Warren Road: We ask that the appellant agrees to the scheme proposed by Donnington New Homes for Warren Road and confirms that this would meet the development needs.

12.6. We ask that the design of the cycle route/pedestrian/emergency routeway across the Country Park be reviewed to much reduce the width of the route and minimise the amount of hard surfacing.

12.7. We ask that the detailed siting, alignment, construction method and appearance of the valley bridge are not left to reserved matters but should be included as part of the outline application. This is a major structure providing access from one residential area to another with a major impact on a wider area of the valley. The appellants are still offering options, all of which are a poor response to the sensitivity of the historic landscape.

12.8. Not enough has been done to recognise this in the highway designs which affect the Country Park and the historic routeway from Andover Road to Sandleford Priory. These highway proposals are contrary to national and local policy and to the objectives of the SDP Vision and Objectives to conserve and enhance the heritage of the site.

Berks, Bucks & Oxon Wildlife Trust (BBOWT)

12.9. There is insufficient evidence to support the claim that the development, once operational, would have a negligible effect on Greenham and Crookham Commons Site of Special Scientific Interest (SSSI). BBOWT is responsible for managing the common on behalf of West Berkshire Council and it is our view that there was a lack of assessment to reach this conclusion and that there could in fact be a significant negative effect on the Common from increased recreational pressure. Planning permission should not be granted if it has not been proven that the SSSI habitat or species would be protected from being damaged, disturbed or destroyed due to the increased recreational use resulting from the proposals.

12.10. Greenham Common is an extensive complex of heathland, grassland, scrub, woodland and gullies including one large area of ancient woodland. The heathland and acid grassland makes up the single largest tract of these habitats in Berkshire and is a valuable resource for the many species that are reliant on them. There are a number of legally protected species present on the Common, such as reptiles, amphibians and ground nesting birds and they are sensitive to effects from the degradation of the habitats present and from increased disturbance from people and their dogs.

12.11. There has been no attempt to quantify the number of residents that would be likely to visit the Greenham Common and no detailed assessment has been undertaken to demonstrate what percentage of those visits would be reduced

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through the creation of the Country Park or how the Country Park has been designed to achieve this.

12.12. There needs to be a detailed, site specific assessment that identifies the sensitivities of the common and an understanding of the existing measures used to limit the effects of visitor pressure. The concluding negligible effect is therefore based on the continuation of BBOWT's existing measures to control the increased visitor pressure on the Common resulting from the development.

12.13. BBOWT employ a limited number of seasonal wardens who raise awareness of the measures by engaging with visitors walking on the Common and other activities. With the potential for visitor numbers to increase in the future as a result of the Sandleford development it is vital that BBOWT's control measures continue and are adapted if required. Without a detailed assessment, it is not possible to determine how those measures may need to change but it is clear that it is essential that the seasonal warden role continues to ensure the effectiveness of the zoning system is maximised.

12.14. Policies CS 17 and CS 3 the Core Strategy are aimed at ensuring the common is protected. They reflect the requirements of the Framework for planning decisions to protect and enhance sites of biodiversity value (paragraph 170)[190] and for development that could have an adverse effect on a SSSI to be refused. It is BBOWT's view that the current proposals contravene the Wildlife and Countryside Act and the Birds Directive and conflict with local and national policy which is a material consideration in the determination of this appeal.

12.15. The proposed residential development at Sandleford Park is 400m from Greenham and Crookham Commons at its closest point. The current proposals for 1000 dwellings represent an increase in the local residential population of approximately 2400 people. The requested S106 funding would contribute to measures designed to directly mitigate additional visitor pressure resulting from the proposed Sandleford development.

12.16. To counteract the effects of increased visitor pressure resulting from the Sandleford development, BBOWT have identified the need for a full-time (year-round) warden to oversee the monitoring and control of visitor pressure and to deliver community outreach projects to ensure the community has a better understanding of the value of the common and the need to protect it. Funding would provide a contribution to ensure the work carried out by wardens continues and is able to mitigate the effects of the additional visitors using the site resulting from the Sandleford development.

12.17. BBOWT would provide new home-owner packs to be offered to the first occupant of all residential units containing; information on Greenham and Crookham Commons and the wider landscape and measures needed to protect it; and a voucher for 50% off one year's membership of the BBOWT. This would be followed up with a bi-annual newsletter giving seasonal highlights from the Common and details of the restrictions in place which should continue for 5 years from first occupation. These measures would allow

[190] Now paragraph 180

BBOWT to connect with the new community at Sandleford Park and deliver the message of protecting the Common.

12.18. The contribution would enable the provision of 13 remote gate monitors and associated software to be installed at entrances around the site to monitor patterns in visitor numbers and distribution across the site. The data collected will allow wardens to react to changes in the location, timing and number of visits and focus more accurately on areas of the Common receiving the highest visitor numbers and at times when the site is busiest.

12.19. An increase in recreational pressure on-site from the Sandleford development would also result in increased wear and tear of footpaths and carparks. A contribution towards the maintenance of the footpath network and carparks is imperative to keep them in good condition and to encourage visitors to park and walk within designated areas where their impact on sensitive habitats, ground nesting birds and other species is less, as is a contribution towards interpretation signage.

12.20. The costings for the various requests are set out and amount to £1,395,000.

Patrick Allison[191]

12.21. I and two other households bought our new build houses in 2015 and at the time investigated the Sandleford development. We had no objections at the time as the extant plans had the site entrance access point from Monks Lane some 70m to the west of our gates which lead directly on to Monks Lane. However, in 2016 the amended plans moved the Monks Lane access point directly opposite our gate with the building of a roundabout. We have electric gates on the property and have serious concerns of the potential of traffic congestion (and an accident) when we are waiting for the gates to open on a live roundabout.

12.22. We object to the years of disruption that we will endure with works traffic accessing the site directly in front of our properties. If the original access point (70m west) is used this does not face any property directly; there is a high hedgerow between the old access point and the rear gardens of Heather Gardens. We wish for the access point to be moved back to the original plan 70m to the west.

12.23. Many Monks Lane residents feel that the developers do not need to break through a Monks Lane access point until the latter stages of the development. Access off the A339 near the Council Recycling Centre could be used until the latter stages of development, reducing disruption to Monks Lane residents and to the hundreds of school children who walk Monks Lane twice daily.

Nicholas Kennedy

12.24. Mr Kennedy questioned whether the site was visible from the AONB and whether this had been considered in the assessments.

12.25. Waterleaze and the reservoir should be kept quiet. Although it is not pretty it is environmentally very important. ES Vol 1 Chapter 6 (page 6-42) states that

[191] Mr Allison's property is located on the north side of Monks Lane.

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there will be no post-occupation access to the River Enborne or Waterleaze Copse LWS. However the Illustrative Layout clearly still shows a footpath accessing the river and the peripheral footpath alongside Waterleaze Copse. This suggests that once the Country Park is operational and receiving visitors, there will be no means of preventing access to these two sensitive receptors. Clarification is therefore required on how access will be prevented to the River Enborne and Waterleaze Copse.

13. Written Representations

West Berkshire Spokes

13.1. There is a need for better cycle routes between Wash Common and Newbury Rail Station as well as improved bike parking at the railway station. The hill between Monks Lane and the Kennet Valley will deter cyclists. The modelling is flawed in respect of commuter modal shift. Pleased to see an on-road cycle lane between Warren Road and St Johns roundabout.

13.2. Request bus lanes on Sandleford link to incentivise use of buses between Greenham Business Park, Sandleford and the town centre. Oppose roundabout at the main Monks Lane access and request a light controlled junction.

13.3. Request separation between pedestrians and cycle path on Monks Lane. Insufficient road space on Andover Road between Monks Lane and St Johns roundabout to accommodate cycle lane. The cycle lane is not on the desire line for cyclists whose destination/origin from Sandleford if from the two proposed Monks Lane accesses. Request route from Monks Lane access roads via Rupert / Wendan Roads become a well signed and designed two-way cycle route, with sufficient traffic calming and limits to on-street parking; a dedicated lane on the east side of Wendan Road should be provided on the steeper parts south of Highfield Road; request traffic flows 'rat running' down Wendan Road be restricted, by making the western part of Chandos Road one-way (except for buses and cyclists); request improved links for cyclists from the Wenden Road junction on Andover Road to St Barts School, across Andover Road to the new route across City Playground to town centre, also towards St Johns roundabout in both directions for rail users in particular. Access for cycling to this site and surrounding areas should be in line with the Local Cycling and Walking Infrastructure Plan (LCWIP) that has been created since the original comments were made.

13.4. The development of recent technology surrounding electric bikes and scooters which would help overcome the gradient out of Newbury Centre - however safe and segregated space should be allocated for this, and development of legislation to support the use of electric bikes and scooters. DfT note that agrees with previous comments about the roundabouts and Monks Lane, and Andover Road not having any safe or convenient crossings for cyclists or pedestrians heading into Newbury from Monks Lane - these roundabouts are especially complicated due to the fact there are 2 of them, and safe passage for both pedestrians and cyclists is key to this development, and usage of active travel, especially from such a large development.

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Ramblers Association

13.5. The rural character of the public right of way must be maintained and there is potential to enhance it. A pedestrian controlled crossing should be installed across A339 at point where public right of way exits the site to give access to Greenham Common.

Woodland Trust

13.6. Object due to damage and potential loss of ancient woodlands and veteran trees. Particular concern regarding:

- Direct impacts on the ancient woodland as a result of areas of the ancient woodland soil being scraped and 'translocated'.
- Considerable intensification of the recreational activity of humans and their pets can result in disturbance to breeding birds, vegetation damage, trampling, litter, and fire damage.
- Fragmentation as a result of the separation of adjacent semi-natural habitats, such as small wooded areas, hedgerows, individual trees and wetland habitats.
- Noise, light and dust pollution occurring from adjacent development, during both construction and operational phases.
- Where the wood edge overhangs public areas, trees can become safety issues and be indiscriminately lopped/felled, resulting in a reduction of the woodland canopy and threatening the long-term retention of such trees.
- Adverse hydrological impacts can occur where the introduction of hard-standing areas and water run-offs affect the quality and quantity of surface and ground water.
- The minimum 15m buffer currently proposed to areas of woodland would not be fit for purpose. A buffer of at least 50m between any area of development and ancient woodland.

13.7. No trees displaying ancient/veteran characteristics are lost as part of the development. We object to the loss of T34, a veteran tree. T127, an oak identified as a candidate for veteranisation/potential veteran, has been highlighted for felling or pollarding to make the tree safe. Felling of this specimen would be completely inappropriate. The minimum root protection area for veteran trees should be 15 times the trunk diameter or 5 metres beyond the crown of the tree.

13.8. The creation of boardwalk paths through ancient woodland and the 'translocation of ancient woodland soil seed banks' constitutes loss of ancient woodland and must not be allowed.

Royal Berkshire Fire and Rescue Service

13.9. Insufficient information is provided relating to the provision of suitable water supplies for firefighting purposes. The application fails to adequately mitigate its specific and direct impact on the Fire Authority or promote the development of a safe community. The Fire Authority's objection can be

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overcome by the imposition of a planning condition to secure agreed details of the provision of a water supply including fire hydrants to meet firefighting needs throughout the development (including the installation arrangements and the timing of such an installation).

Other Representations

13.10. Representations were received from 78 contributors, 1 of which provides comments on the application, and 77 of which object to the proposal. The additional points made are summarised under the topic headings below. A number of comments were specific to the DNH scheme and have not been included.

Principle of development

13.11. Inability to consider development of the whole of the allocated site holistically to ensure vision and objectives of Sandleford SPD are achieved, maximising potential as a well-planned and sustainable urban extension and enable required infrastructure to be properly planned and delivered in an integrated and timely way across the site. Reserved matters applications would not allow for a co-ordinated approach to planning of the development. The MoU would only provide for a comprehensive development if both applications were approved in full.

13.12. This is an inappropriate site for housing. Site should be precluded from development due to Capability Brown having been involved in the landscape and the association with Watership Down. The scale of development is excessive and there is sufficient housing in Newbury. The development no longer required due to Covid-19. An alternative site should be considered, particularly as the Framework has been updated. Brownfield site should be used instead. The proposal is contrary to previous assurances that development south of Newbury College and Surgery would not take place.

Highways

13.13. Transport Assessment is inadequate, inaccurate and not robust. Lack of consideration of other developments proposed and in construction in the area, particularly in respect of traffic impact.

13.14. Impact on the wider highway network in terms of traffic and safety and of construction traffic on local roads and residents. The roads in Newbury are already operating at full capacity.

13.15. No improvements proposed to Andover Road/ St Johns Road roundabout despite traffic analysis showing significant queues at this junction. There is a lack of information on highway mitigation measures. The access arrangements from Monks Lane are in inappropriate locations. Insufficient number of access points resulting in congestion. The proposal for a cul-de-sac onto Monks Lane would be dangerous as it is close to the roundabout access also proposed. A new access to the southern part of the site, linking the A343 with the A339, is required.

13.16. Warren Road is inappropriate for use as an access, including for construction traffic. A petition has been submitted by the Wash Common Action Group,

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comprising 777 signatures objecting to the use of Warren Road as an access for Sandleford.

13.17. Lack of assessment and mitigation for safety of pedestrians and cyclists. Application fails to provide an appropriate scheme of works or off-site mitigation measures to accommodate pedestrians, cyclists and public transport. Cycle times from Newbury Town Centre are inaccurate and fail to take account of the hill. Lack of detail in respect of bus service and subsidy to be provided. Bus service will be underused

Trees and Natural Environment

13.18. Loss of ancient woodland and veteran trees with no exceptional need or benefit contrary to Framework. The 15 metre buffer to ancient woodlands is inadequate, should be 50 metre in accordance with guidance from the Woodland Trust.

13.19. Impact on Greenham Common SSSI. Loss of habitat and breaking of natural corridors/biodiversity links within site. Impact of strategic planting to east and south of Gorse Covert on long distance views from Sandleford Priory. Lack of conservation or enhancement of biodiversity.

13.20. Increase in noise and air pollution. Increased flood risk. Proposal is contrary to Council's zero carbon policy. Lack of renewable energy provision.

13.21. Development will turn Newbury from a small market town to a sprawling commuter town. The proposal would have a detrimental impact on character and appearance of the area. It would change the character and appearance of public rights of way, and the historic route to Warren Road. Landscape and Visual Impact Assessment is inadequate as Zone of Theoretical Visibility does not extend far enough and take in views from Beacon Hill, Ladle Hill, Watership Down, Donnington Castle and Greenham Control Tower.

Infrastructure

13.22. Proposal will increase pressure on existing infrastructure and services. Additional demand on water and impact on wastewater drainage. Inadequate education provision. No need for a new Primary School. Lack of provision of another Doctor's Surgery.

13.23. Development will affect health of residents of Newbury. Proposal will increase crime in the area.

13.24. Valley crossing is imperative for the comprehensive development of the allocated site and should not be illustrative at this stage and responsibility for implementation secured.

14. Unilateral Undertaking

14.1. This section considers the final executed version of the UU dated 30 June 2021[192], the views expressed during the roundtable session at the Inquiry, and the post Inquiry comments by the main parties, including the R6

[192] P/ID14 & P/ID16

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parties.[193] It also has regard to the CIL Compliance Statement and the appellants' Explanatory Note dated 23 April 2021 and the appellants' post Inquiry Explanatory Note that sets out the changes to the UU and the appellants' response to the comments made by the other parties.[194]

14.2. During the roundtable discussion in relation to the UU I questioned whether the obligation that required the occupants of the proposed dwellings to pay for the future management and maintenance of the Country Park was reasonable or would meet the statutory tests. The appellants reviewed this obligation following the close of the Inquiry, and I consider the current position of the parties in relation to this matter below.

14.3. The Framework states that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. I shall consider each of the schedules in turn, in the context of this guidance and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. The UU includes a mechanism (sometimes known as a 'blue pencil' clause) at 4.1 which provides that should the SoS conclude that any of the obligations do not pass the statutory tests such obligations shall have no effect and consequently the owner and/or other covenanters shall not have liability for payment or performance of that obligation.

14.4. The matters that remain outstanding between the Council and the appellants are the Community Facility Building, the Local Centre Marketing, the connection to Sandleford Park West and definition of "Country Park" and the access route to the retained land.[195]

Schedule 1 Education

14.5. The UU provides for the transfer of 2.034 hectares of land for the Primary School in an appropriate condition together with a financial contribution towards the provision of a 2 Form Entry Primary School at the times specified within the UU.

14.6. The UU provides for the transfer of the Secondary School Site to the Council in an appropriate condition. It also provides for the payment of the Secondary School contribution at appropriate stages in the development. Clause 9.2 of Schedule 3 includes a mechanism to safeguard the ancient woodland, the ancient and veteran trees and associated hedgerow within this area of the Site.

14.7. Policy CS 3 requires the provision of a Primary School and the extension of Park House School as part of the development. The primary education obligation is necessary to mitigate the impact of the development and to make it acceptable.

14.8. The anticipated number of primary pupils will depend on the final dwelling mix. The indicative dwelling mix provided by the appellants would give rise to

[193] P/ID8, P/ID9, P/ID 10, P/ID11, P/ID12
[194] CD7.2, CD7.3, P/ID/15, P/ID13
[195] P/ID8

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around 340 primary age pupils. This would require 2 classes per year group and 14 classes for the whole School (7 year groups). This would equate to a 2 Form Entry Primary School.[196]

14.9. I conclude that the primary education obligation is directly related to the development, necessary to make the development acceptable and is fairly and reasonably related in scale and kind.

14.10. The secondary education provision through the expansion of Park House School is necessary to mitigate the impact of the appeal proposal in terms of secondary education and therefore to make it acceptable. The appellants' feasibility study, sets out a scheme for the expansion of Park House School to accommodate the new population at Sandleford Park and also a small number of additional pupils which the Council needs to accommodate in the School from other recent smaller developments in Newbury.[197] It is based on an increase in the size of the School by 236 additional secondary School pupils, which corresponds with 139 places for pupils from the appeal development, 57 pupils from the DNH development and 40 places required by West Berkshire Council. The additional places as a result of the appeal proposal is the largest of the three components and corresponds to 59% of the overall additional demand that needs to be mitigated. The contributions will be paid in 3 packages and have been calculated in accordance with the Planning Obligations DPD.[198]

14.11. The secondary education contribution is directly related to the development. The expansion land provided within the site and the contributions towards the expansion of facilities at the School have been calculated in accordance with the SPD. I conclude that the contribution is proportionate and therefore fairly and reasonably related in scale and kind to the development.

14.12. Mr Norman on behalf of SNTS is concerned that the UU potentially means that the School will not be completed until a significant portion of the site is developed and occupied. This may mean that the primary aged school children will start at other schools and will then need to be weaned off their schools to occupy the new School when it is ready.[199]

14.13. The Council is satisfied that the necessary school places will be available at the time at which they are required. The land will be transferred to the Council early in the development process and the funding is staged to reflect the number of children from the proposed development who may use the Primary School, with 81% of the contribution paid by the time the 250th dwelling is occupied. The School will be a 2-form entry School and will be delivered by the Council. It will be for the Council to determine when the School is brought forward. Therefore on the available evidence I am satisfied that the planning obligation would mitigate the effect of the proposal on primary education in the area.

[196] ID46
[197] CD1.3 Appendix 3
[198] CD 8.15
[199] P/ID11

Schedule 2 Community Facility and Local Centre

14.14. The Council seeks that a Community Facility Building be provided by the appellants at the appellants' cost. The appellants' position is that it should only be required to provide the land for the Community Facility Building and that the Council should fund the cost of constructing the building to its own specification by utilising its CIL receipts and receipts from DNH given that it will serve both developments and the wider community.

14.15. In order to allow for both outcomes, Part 1 of Schedule 2 provides that if the SoS states in his decision letter that only the Community Facility Land is required to be provided then paragraph 2 of Schedule 2 will apply. Alternatively, if he states that the Community Facility Building is required to be provided then paragraph 3 of Schedule 2 will apply.

14.16. Core Strategy policy CS 3 does not include the provision of a community facility within the parameters for the SSSA, or the supporting text to the policy. However, the supporting text states that further details about any non-critical infrastructure which has site specific implications will be set out within an SPD.[200] Section B of the Sandleford SPD requires the Local Centre to include community facilities, and it is clear that this is part of the vision for the SSSA, although it is intended to serve the whole development and other residents from further afield.

14.17. The appellants' position is that the Council's requirement for the community building to be delivered is not fairly and reasonably related in scale to the development. The community facility would also be used by residents of Sandleford Park West and other residents from further afield. The appeal scheme will be liable for CIL contributions in addition to the contributions provided by the UU. These will amount to about £6,000,000.

14.18. The Council replaced its charging schedule with a Governance Arrangement in September 2019. This sets out that the Head of Development and Planning will distribute 70% of strategic CIL receipts to transport & highways and education projects and 10% to other services. 15% of the generated income is required to be allocated towards the provision of new infrastructure in the community in which development has taken place. With the introduction of a CIL charge, the use of S106 obligations is restricted to site specific impacts, for instance enabling works such as site access, or the provision of facilities and infrastructure directly required as a result of large-scale developments, and the provision of affordable housing.

14.19. There is no requirement within the development plan for community facilities to be provided as part of the SSSA. Notwithstanding this it is evident that the Sandleford SPD expects such a facility to be provided and this is not disputed by the appellant. I agree with the Council that the community facility is considered necessary to mitigate the needs and impact of the development in terms of forming a balanced and sustainable community and therefore to make it acceptable.

[200] CD 8.5 Paragraph 8.15

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14.20. The difference between the parties relates to whether the contribution is fairly and reasonably related in scale and kind to the development. The area served by the community facility will extend beyond the appeal site. The appellants have agreed to transfer the land for the community facility and the CIL contribution that the appellants will be liable for includes an element for the provision of community facilities. I therefore consider that a requirement for the appellants to provide a community facility building would not be fairly and reasonably related in scale and kind to the proposed development. For this reason, I conclude that paragraph 1.1 of Schedule 2 and the obligations at paragraph 2 of the Schedule should apply.

14.21. Parts 3 and 4 of the Schedule concerns the marketing of the Local Centre following the approval of the Marketing Plan by the Council. There will be a marketing period of 24 months. The Council is concerned that if there is no demand for the Local Centre during this period it may not be secured, and this is an integral part of the development. The Council's preference is for the Local Centre to be secured by way of a planning condition. NTC and GPC are also concerned that if the marketing is unsuccessful the potential to use the Local Centre for the benefit of future residents may not be realised. They suggest that it could be used as a community shop, public house or childcare facility run by a Community Interest Company. They consider that this would future proof the provision of community services within Sandleford Park. They suggest that this would be in accordance with the new use class E which focuses more on social sustainability and the need to reduce travel.

14.22. The provision of retail facilities in the form of a local centre and business employment is a requirement of Policy CS 3. It is also one of the Strategic objectives within the Sandleford SPD and is addressed by development Principle F. The provision of a Local Centre would provide employment opportunities on the site and would reduce the need for residents to travel, particularly by car. The appellants also rely on it as one of the benefits of the proposal. Facilities in areas such as this often become the hub of the community and are supported by Section 8 of the Framework. In these circumstances I agree that the Local Centre should be secured by way of a condition and part 3 and part 4 of Schedule 2 are unnecessary.

Schedule 3 Public Open Space

14.23. Core Strategy Policy CS 3 requires the provision of a Country Park or equivalent area of public open space in the southern part of the site and mitigation for the increased recreational pressure on nearby sensitive wildlife sites, including Greenham Common, as well as to safeguard the landscape and setting of the former Sandleford Priory, a Grade I listed building. In addition, the Sandleford SPD at Section P seeks a range of public open space including, Country Parkland; a Neighbourhood Equipped Area of Play (NEAP), two Locally Equipped Areas of Play (LEAPs) and a number of Local Areas of Play (LAPs).

14.24. The UU provides for the delivery of the Country Park in accordance with the approved Country Park Delivery Plan linked to the two main phases of development. It also includes the delivery of a Country Park Management Plan. Schedule 3 also provides for the delivery of Public Open Space, the provision of LEAPS and the NEAP.

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14.25. These areas are considered necessary to mitigate the needs and impact of the development in terms of open space, landscape, ecology and heritage and therefore to make it acceptable. The proposals are directly related to the proposed development. They would cater for the future residents of the development. Use by other visitors would balance out the otherwise resulting pressure on the nearby SSSI.

14.26. There is an outstanding issue between the Council and the appellants with regard to the management of the Country Park and the definition of the Country Park. The draft UU considered at the Inquiry (ID67 & ID68) required the future occupants of the proposed dwellings to meet the costs of a Management Company set up to manage the Country Park.[201] I questioned whether such contributions would be fairly and reasonably related in scale and kind to the development. As set out above, the appellants were provided with time to revisit this part of the UU and submit a completed UU that the other parties were able to comment on. [1.7-1.10]

14.27. The executed UU proposes that once complete, the eastern and western phases of the Country Park will be transferred to the Council, together with a Country Park Maintenance Contribution. This would mean that the Council would have responsibility for the future management and maintenance of the Country Park and the Public Open Space. However, the UU includes a revised definition for the Country Park that excludes specific areas of the appeal site, whereas the previous version specified the Country Park by reference to a plan. The appellants' note states that it excludes those areas of the Site which are needed to deliver the Development and that the exclusions are required to ensure that such land is not transferred to the Council as part of the Country Park resulting in delivery of the Development being compromised.[202] The areas excluded include the Crooks Copse Crossing and the Central Valley Crossing. The exclusion of these areas is considered to be reasonable.

14.28. In addition, the exclusions include an area of land at least 30 metres wide required to deliver a connection to the Retained Land, that would start at the boundary of Gorse Covert and run through Gorse Covert. The Retained Land is land along the southern boundary of the site adjacent to Gorse Covert. The route is labelled A, B and C as shown on the Indicative Country Park Plan (Appendix 7 of the UU). The appellants state that this exclusion is required to ensure that access to the Retained Land can be preserved to enable the Owners to continue to utilise that land. Without the retention of that access route the Retained Land would be land-locked and it would be unnecessary and inappropriate for the provision of the Country Park to prevent use of the Retained Land.[203] The Council indicates that it will only take on the management of the Country Park provided that no land through Gorse Covert is retained by the landowners to provide the Access Route.[204]

14.29. The appellants explain that Gorse Covert is commercial woodland and has no special status in ecology terms. It is located on the southern boundary of the

[201] CD7.1 Schedule 3 paragraph 3
[202] P/ID/15
[203] P/ID15 paragraph 5.2
[204] P/ID9

proposed Country Park and access can be provided through it without compromising the ecological and public amenity aims and benefits of the wider Country Park. They submit that the creation of an access along the Access Route will be subject to securing all necessary statutory consents, including any planning approvals or environmental consents. The impacts of the proposed Access Route would therefore be assessed against policy at the appropriate point in time. If an access along the proposed Access Route is unacceptable, the relevant permissions will be refused. It is also suggested that it may be possible to reduce the impacts through a particular alignment, or at a reduced width.[205]

14.30. The proposed access route would extend east to west across the site and north to south close to the eastern boundary of Gorse Covert. It is unclear from the available information, as to the purpose for which access is required, the reason for the 30 metre width and the proposed alignment of the route. Gorse Covert is a relatively narrow strip of woodland in its north to south direction and a 30-metre access strip would occupy a significant proportion of it. Gorse Covert forms part of the Highwood LWS complex and there is no evidence before me to suggest that the impacts of this arrangement on Gorse Covert have been assessed as part of the ES and they were not discussed at the Inquiry. Moreover, it would not be consistent with the planning permission sought.

14.31. The appellants suggest that should the SoS agree with the Council that they should not be required to take on responsibility for the Country Park due to the Access Route, then the appellants invite the Secretary of State to apply its 'blue pencil' to delete paragraphs 2.5 – 2.7 of Part 2 of Schedule 3 and Part 3 of the UU and instead impose a condition to secure the future management and maintenance of the Country Park by a management body.[206]

14.32. Paragraphs 2.5-2.7 concern the offer to transfer the Country Park to the Council. Part 3 sets out the terms for the transfer. These include restricting the use to public recreation and amenity, and the maintenance of the Country Park in perpetuity. Even if these paragraphs are deleted the decision-maker cannot delete or vary the definition of the Country Park, and the UU would not require the area of land concerned to be laid out as Country Park, or the provision of public access to that area. I therefore consider that it would also be necessary to delete Part 1 which concerns the provision of the Country Park since this relies on the definition of the Country Park that excludes the Retained Land, and the remainder of Part 2 since it relies on the same definition. Together these parts of the UUs would represent a change from the development for which planning permission is sought.

14.33. I therefore conclude that Part 1, Part 2 and Part 3 of Schedule 3 of the UU would not deliver the Country Park as shown on the parameter plans and within the application and should therefore be deleted. The SoS may consider that this matter could be addressed by way of a condition to secure the delivery, maintenance and management of the Country Park. I have included a suggested condition at Condition 24, but this is a pre-commencement

[205] P/ID15 paragraphs 9 -15
[206] P/ID15 paragraph 16

condition and the parties have not seen it or had the opportunity to comment on it given that the matter arose following the close of the Inquiry. Notwithstanding this the appellant has proposed that a condition may be an alternative to these paragraphs of the UU.

Schedule 4 Highways

14.34. This requires the payment of the A339 Access link contribution (£1,500,000), and improvements to the PROW.

14.35. Core Strategy Policies CS3 and CS13 and the Sandleford Park SPD require development to mitigate any impact on highways. Access to the site includes access from the east by the A339 link road, which also provides access to Highwood Copse School. This project is being undertaken by the Council. The need for the project arose in part as a result of the development of Sandleford Park and is needed to disperse traffic to beyond Monks Lane and provide the required third primary access to the appeal site.

14.36. The on-site mitigation to the PROW is necessary in order to ensure adequate cycling and walking routes through the site. Therefore, both contributions are necessary to mitigate the impact of the proposed development. They are directly related to the development and are fairly and reasonably related in scale and kind.

14.37. The VISSIM highways modelling assessed the appeal scheme and the development of the entire SSSA. This showed that the proposed development would result in a severe impact on the local highways network without improvements to the Pinchington Lane junction, the St John's Roundabout and also the Newtown Road / Pound Lane Street and Bartholomew Street / Market Street traffic signals.

14.38. To mitigate these impacts there is a requirement for the payment of the Off-Site Highways Works "A" Contribution (£286,000) towards upgrade traffic signals at Newtown Road/Pound Street and Bartholomew Street/Market Street. Payment of the Off-Site Highways Works "B" Contribution (£9,996,179) towards A339, Pinchington Lane and Monks Lane. Payment of the Off-Site Highways Works "C" Contribution (£1,532,703]) towards A339/A343 St John's Roundabout.

14.39. These works are necessary to mitigate the impacts shown in the Transport Assessment and need to be in place at the appropriate point in time. It is agreed that the costs of these works should be split on a proportionate basis with the Sandleford Park West developer, with the appellants paying 65% of the total cost. The appellants have agreed to forward fund these works with a mechanism within Schedule 8 to reclaim the contribution from Sandleford Park West. In the absence of this mechanism the contributions sought would not be fairly and reasonably related to the development.

Schedule 5 The Triangle Land and Schedule 6 Further Contributions

14.40. The proposal will return part of the adjoining Rugby Club land previously bought by the appellants back to the Rugby Club to enable the enlargement of an existing playing pitch to a full-size pitch. In addition, the proposal will provide a contribution of £180,000 towards the construction of surface and

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drainage upgrades to the above pitch and other playing pitches at the Newbury Rugby Club.

14.41. West Berkshire Council's Playing Pitch Strategy, adopted February 2020, identified a shortage of playing pitches across the District for community use. Newbury Rugby Club has ambitions to become a community hub for sport. As part of this process they are looking to utilise one of the rugby pitches for a new facility that will be shared by football. However, the proposal will put increased pressure on the facilities available at the club.

14.42. The above land return (transfer) and contribution to improve playing pitches at the Rugby Club, along with the opportunity for dual community use of the Park House School football pitch, would assist with addressing the playing pitch shortage in the District and mitigate the need for additional sports provision in the area. It is fairly and reasonably related in scale and kind to the proposal.

14.43. Other contributions include a public transport contribution of £1,500,000 for bus infrastructure improvements and the provision of a bus service; a Healthcare Contribution of £512,625; a Travel Plan Contribution. These are necessary to facilitate sustainable travel and the impact on health services. Based on the evidence submitted to the Inquiry I am satisfied that they are fairly and reasonably related in scale to the proposal.

Schedule 7 Housing

14.44. The proposed development would provide 40% of the dwellings as Affordable Housing Units, including up to 80 Extra Care Units. This is necessary to meet the need for Affordable Housing in the District and to comply with Core Strategy CS 3 and CS 6. The split between Social Rented Housing and Intermediate Housing has been agreed with the Council. The provision of affordable housing in accordance with the Core Strategy policies is fairly and reasonably related in scale and kind to the development and would comply with the statutory tests.

Schedule 8 Connection to Sandleford West

14.45. Schedule 8 seeks to secure that the appellants together with Sandleford Park West should share the cost of the off-site highway works "A", "B" and "C" which are required to facilitate the development of both proposals. The appellants covenant to ensure that the off-site highway works are fully funded at the point at which they need to be delivered pursuant to Option 1 of Schedule 4. This position is supported by the Council in the Transport SoCG.[207]

14.46. To this end it is intended to provide a security strip one metre wide at the boundary of the spine road and the Sandleford Park West land. The Schedule sets out a mechanism to allow Sandleford Park West to connect to the highway subject to the payment of Sandleford Park West's contribution as set out at paragraph 10.4(b) of the UU.

[207] ID11, ID12

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14.47. The Council opposes the inclusion of this schedule on the basis that it risks the possibility that the 2 parts of the SSSA may never connect and there may never be a comprehensive and cohesive development.[208]

14.48. Although the off-site highway works are necessary to mitigate the impacts of the development and the Sandleford Park West development on the highway network, as agreed by the Highway Authority the cost of such works should be apportioned across the whole allocation reflecting the number of dwellings each part of the site is expected to deliver. Schedule 8 seeks to recover the cost of the works from Sandleford Park West either from the developer or the Council. This would seem to be entirely reasonable, and in the event that Sandleford Park West does not go ahead or is delayed for any reason the highway mitigation would not be compromised.

14.49. I consider that the Council's view that the two parts of the site may never connect to be unrealistic and improbable. It would be for the Council to secure the connection to the appeal site should it grant permission and there is a clear mechanism in place to allow the connection to take place subject to the payment at Paragraph 10.4(b).

14.50. For the reasons given in relation to Schedule 4, I conclude that Schedule 8 is directly related to the development, and fair and reasonable in scale.

Overall Conclusion on UU

14.51. I conclude that the obligations in Schedule 1 (Education), Schedule 4 (Highways), Schedule 5 (The Triangle Land), Schedule 6 (Further Contributions), Schedule 7 (Housing), and Schedule 8 (Connection to Sandleford West) all comply with the CIL regulations and the same policy tests in the Framework. I would recommend that they are taken into account in assessing the appeal proposal.

14.52. In terms of Schedule 2 (Community Facilities and Local Centre) I recommend that paragraph 1.1 of Schedule 2 and the obligations at paragraph 2 of the Schedule should apply and paragraph 3 of Schedule 2 should be deleted. For the reasons given above, part 3 and part 4 of Schedule 2 are unnecessary and I recommend that the Local Centre should be secured by way of a condition. [14.14 -14.20, 14.21-14.22]

14.53. I also recommend that Part 1, Part 2 and Part 3 of Schedule 3 (Public Open Space) of the UU would not deliver the Country Park as shown on the parameter plans and within the application and should not be taken into account in assessing the appeal proposal. [14.32-14.33]

15. Conditions

15.1. Various iterations of the draft conditions were submitted prior to and during the course of the Inquiry. There were a number of conditions where the parties differed in relation to the wording. As set out above, for practical reasons the parties commented on the conditions in writing following the close of the Inquiry. In addition, Councillor Vickers submitted suggested conditions

[208] ID 81 Paragraph 148

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prior to the Inquiry and the parties were invited to comment on these conditions as well. I have taken all of the comments submitted into account and I have assessed the suggested conditions in light of the tests set out at paragraphs 55 and 56 of the Framework and the advice in the PPG. Where the comments from the Rule 6 Parties raise issues outside of the suggested conditions, I have addressed these below rather than within this section of the Report the purpose of which is to advise on suitable conditions should the appeal be allowed.

15.2. Conditions 1, 3, and 4 are required to ensure that details of reserved matters must be submitted for approval within the appropriate time limit and that development is commenced in accordance with section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004). Condition 3 includes a requirement for the final reserved matter application to be submitted within 7 years of the date of this permission. No justification for this time limit has been provided and given the size of the Site and the timeframe for its completion, this requirement would seem unduly onerous. I have therefore not included it.

15.3. I agree that a phasing plan is required to ensure the timely delivery of infrastructure, manage the impacts on the surrounding highway network and secure an appropriate housing mix across the site. (Condition 2)

15.4. Although the proposal is in outline, for the avoidance of doubt the proposal should comply with the parameter plans, the SLGIP and the access plans (Condition 5). The Council suggested wording specifies elements that it considers differ from these plans and should be excluded from the suggested condition. They include the Primary School Land, The Park House School Expansion Land, the area of land outside of the settlement boundary, the woodland buffers, the location of the main access road through the site and key cycle and footpath links along the south-west boundary. In addition, in terms of the SLGIP they include the location of the NEAP and LEAP as well as the attenuation/detention basins.

15.5. There has been some change to the precise extent of the Primary School Land and the Park House School Expansion Land by comparison with the above plans. I have amended the wording of Condition 5 to reflect these changes. Notwithstanding this, these changes are not so significant as to represent a departure from the arrangement shown on the submitted plans or increase the extent of the developable area. The area of land outside of the settlement boundary is discussed below. Should the SoS agree with the Council that it should be excluded from the developable area, this can be secured by a separate condition. The precise extent of the woodland buffers is addressed by Condition 19. The precise location of the main access roads, footpaths and cycle links are all matters reserved for future determination. Whilst there may be some variation from the precise alignment of these routes by comparison with the above plans to accommodate the RPA of specific trees and other features the location of these elements would be unlikely to vary to any significant extent from that shown on these plans. To remove these elements from the scope of the condition would give rise to an unacceptable level of uncertainty.

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15.6. Many of the matters listed by the Council are matters to be submitted at the reserved matters stage. Overall, I consider the appellants' alternative wording, namely in 'substantial accordance with' to be preferable to the Council's suggested wording. I have however excluded the NEAP and LEAP, as well as the detention basins from the SLGIP, since the location of these features will need to be reviewed at the reserved matters stage and the location may differ from that shown on the SLGIP.

15.7. A Design Code condition is necessary to ensure that the proposal will be of a high-quality design (Condition 6). SNTS expressed concern that the suggested condition fails to ensure consistency with the Sandleford Park West scheme. The consistency and compatibility of the two sites in terms of design and layout could be achieved by the imposition of a similar Design Code condition on any permission granted in respect of Sandleford Park West, and it would be for the Council when discharging the conditions to ensure that the adjacent neighbourhood areas would be consistent and compatible with each other.

15.8. The parties propose a condition in relation to the overall housing mix across the site. The condition is necessary to ensure that the site as a whole delivers an appropriate proportion of family housing in accordance with policies CS 3 and CS 4 (Condition 7). The Council's suggested condition includes the mix of affordable housing, however, this is specified in the UU and therefore its inclusion in this condition is not necessary. The appellants have confirmed that they are content with this condition and consider it to be necessary.

15.9. A plan showing the location of the Primary School site area is required to provide certainty and inform the layout of the remainder of the site (Condition 8). A plan showing the precise location of the Park House School expansion land, together with the specification for the land, including landscaping is necessary to ensure that appropriate provision is made and that impacts on the adjacent trees, vegetation and biodiversity, including through the provision of external lighting are suitably managed. I have separated the suggested condition into two separate conditions in the interests of clarity It is not necessary for the condition to preclude the approval of reserved matters for the adjacent residential development since this is a matter within the Council's control (Conditions 9 and 10).

15.10. Details of energy generation from renewables are required in the interests of dealing with the effects of climate change. For the reasons given below I prefer the Council's suggested condition which seeks to secure a carbon neutral development (Condition 11). [209]

15.11. For the reasons given above I consider that a condition to secure the delivery of the Local Centre is necessary, including details of parking and recycling facilities. [14.21,14.22] However, I have removed the reference to the opening hours since these will vary according to the proposed use and this information may not be available at the time reserved matters are submitted. (Condition 12).

15.12. Details of parking and turning facilities will form part of the reserved matters, however a condition is required to ensure that such arrangements are

[209] 16.195 -16.204

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delivered prior to the first occupation of the dwellings and thereafter retained. (Condition 13) In the light of the topography of the site, finished floor levels relative to existing ground levels are required to ensure a satisfactory relationship with the landscape and between properties (Condition 14).

15.13. The parking arrangements for the Country Parkland need to be submitted for approval and implemented in order to ensure that parking provision is made for visitors and to limit the extent of roadside parking that may impact on the free flow of traffic. I have adjusted the Council's suggested wording so that the timing of the implementation accords with that within the UU, namely prior to the occupation of more than 150 dwellings in DPC (Condition 15).

15.14. Provision for electric vehicle charging points is necessary in order to ensure suitable provision for residents and other users (Condition 16).

15.15. The Council propose an additional drainage condition that requires the drainage strategy for the whole site to be submitted. The appellant disagrees that a wholly new strategy is needed to ensure sustainable drainage. In the light of the considerable uncertainties in respect of the drainage discussed below and the implications of the strategy for other aspects of the scheme, I agree that an overall strategy should be submitted (Condition 17). [16.189-16.194]

15.16. A condition in relation to sustainable drainage is necessary in order to prevent an increased risk of flooding, protect water quality, habitats and amenity. The parties agree that it should be based on rainfall catchment areas. The suggested condition includes a specification of the details sought. Some of the details sought are addressed elsewhere in the suggested conditions or covered by other legislation. Whilst the detailed design will need to be based on the information sought, it is not necessary for it to be specified in the level of detail within the draft condition. For this reason, I have amended the wording (Condition 18).

15.17. A condition is required to ensure the protection of ancient and other woodlands (all of which are designated Local Wildlife Sites) and associated trees on site, allow successful establishment of the woodland edge habitat, prior to onset of operational use of the development and to fully mitigate against harmful 'edge effects' of the development on the ancient woodland and Local Wildlife Sites habitats. I agree with the Council that the details of the buffers should be based on the entire woodland area (Condition 19). The requirement for the buffers to be planted in the first planting season following commencement of construction for each phase would satisfy SNTS's request for the buffer to be planted before the Country Park opens to the public.

15.18. Details of the LEAPS and LAPS, including the equipment to be provided should be submitted for approval to ensure appropriate provision for play. The timing of the implementation is specified within the UU and therefore is not necessary.[210] (Condition 20).

15.19. Details of landscaping including the timing of implementation should be submitted to ensure it contributes to the high-quality design sought by

[210] P/ID14 Schedule 3 Part 4 paragraph 5.7

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national and local policies, and any adverse effects of the proposal on the character and appearance of the area are mitigated at the appropriate time. (Condition 21).

15.20. Refuse storage facilities should be provided in accordance with the reserved matters (Condition 22). Details of the cycle and pedestrian accesses are necessary in order to ensure the timely provision of safe and suitable access for all (Condition 23).

15.21. Details of the design and management of the Country Park are required to ensure that it is appropriately designed, delivered and managed in a timely manner for the benefit of future residents and to minimise the impact on Greenham Common SSSI (Condition 24)

15.22. The Central Valley Crossing is essential to ensure suitable access to the entire development, including for emergency vehicles. It occupies a sensitive location in terms of trees, biodiversity, the wider landscape and the character of the development and therefore full details need to be submitted and the crossing implemented in a timely manner (Condition 25)

Pre-commencement Conditions

15.23. Details of the access arrangements for the construction period are necessary in the interests of highway safety and to minimise the potential for ecological damage (Condition 26). Details of surface water drainage measures during construction are required to protect water quality, and the habitats and biodiversity on the site, as well as to avoid any increase in the risk of flooding (Condition 27). Details of the haul road to provide construction access to Park House School Expansion Land need to be submitted to ensure the safety of students and avoid any adverse impacts on the ecological features and habitats on the site. (Condition 28).

15.24. A condition is required to ensure that risks from land contamination to the future users of the land and neighbouring land, as well as risks to controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors (Condition 29).

15.25. A Construction and Environmental Management Plan (CEMP) is necessary to mitigate the impact of construction activities on landscape, soils, water resources, transport and biodiversity (Condition 30). I have added an additional clause to include the channel and bank works sought by the Council's suggested condition 44.

15.26. A Construction Traffic Management Plan (CTMP) is necessary to mitigate the impact of construction traffic on the highway network, to safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety (Condition 31). This condition, together with Condition 28, would ensure that the concerns of SNTS that the construction and haul routes would minimise disruption for residents would be addressed. SNTS also suggest that the times at which the construction routes are used should be restricted where they are close to school pedestrian and cycle routes. This will be a matter for the Council when considering the approval of the CTMP.

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15.27. The proposed works will be in close proximity to underground water utility infrastructure which piling has the potential to adversely impact. For this reason and to safeguard the amenity of adjoining land uses and occupiers a Piling Method Statement is required (Condition 32).

15.28. A Landscape and Green Infrastructure Design and Management Plan (LGIDMP) is required to ensure the retention of existing green infrastructure and provision of landscape and green infrastructure within the public areas of the development and their suitable management and maintenance (Condition 33).

15.29. An Ecological Mitigation and Management Plan (EMMP) is necessary to protect and enhance the biodiversity of the site as identified in the Environmental Statement (Chapter 6). A pre-commencement condition is required to ensure adequate protection of biodiversity before construction commences and timely delivery of mitigation measures in tandem with the development of the site. (Condition 34).

15.30. A condition is necessary to safeguard the existing trees and hedgerows during construction. The woodlands and woodland buffer are protected by virtue of Condition 19 and have therefore been excluded from this condition which reflects the appellant's suggested wording (Condition 35). In the absence of an Arboricultural method statement and Arboricultural watching brief is necessary to safeguard the trees during the construction period (Condition 36).

15.31. A condition requiring advanced planting is necessary in order to protect and enhance views from the Grade I listed Sandleford Priory and the A339, as identified in the Environmental Statement (Condition 37).

15.32. A condition is necessary to protect the otter and water vole and their habitats within and adjacent to the development site, and to avoid damaging the site's nature conservation value. (Condition 38) Reference to mitigation measures in relation to the River Enborne is unnecessary since such details are required by other conditions.

15.33. An updated badger survey and mitigation strategy is necessary to ensure that suitable mitigation is provided. I have adjusted the wording to reflect the phased nature of the development removed the reference to the need for a 30-metre buffer between development and the sett, since this will be addressed by the mitigation strategy. I have also removed the reference to the timescale for the surveys since these were unduly restrictive and if a license is required its provisions would need to be adhered to in any event. (Condition 39).

15.34. In order to ensure the conservation and enhancement of the biodiversity assets of the site, a lighting scheme in accordance with the Environmental Statement is required (Condition 40). The appellants suggest that there should be an exception for lighting required for public highways within the development since these will be approved separately. The lighting

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assessment within the Environmental Statement includes all lighting sources, consequently such lighting should be included within the assessment.

15.35. I agree that a noise assessment is required, and if necessary, noise mitigation measures to safeguard future residents from the adverse effects of noise (Condition 41).

15.36. A review of available archaeological and historical sources, and the results of archaeological evaluation within the site, indicates that sub-surface evidence of Romano-British agricultural activity occurs in the west of the site, artefactual evidence for prehistoric hunting activity is located within the stream valley in the centre of the site, and a Post-Medieval field boundary is located in the centre of the site. To ensure that any significant archaeological remains that are found are adequately recorded in accordance with the EIA. Therefore a Written Scheme of Investigation is required. (Condition 42).

15.37. To secure the incidental prior extraction of viable underlying mineral deposits as part of the proposed development a mineral exploration and management plan is required in respect of the potential mineral resources located beneath the application site (Condition 43).

15.38. A condition is necessary to ensure the timely provision of suitable pedestrian and cycle access to and from the site and Country Parkland to the A339 (Condition 44).

15.39. It is probable that upgrades to the foul water infrastructure will be required to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents as identified in the Environmental Statement and required by Thames Water (Condition 45). A further condition in respect of other off-site water infrastructure is not required since this matter is covered by other legislation and would be considered as part of the drainage strategy required by condition 15 (suggested condition 52).

15.40. In order to safeguard future occupants from noise and odours, details of plant and equipment installed at non-residential buildings is necessary. (Condition 46).

Pre-Occupancy or other Stage Conditions

15.41. In the interests of sustainability and to comply with Core Strategy policy CS 15, all non-residential buildings should achieve Excellent under BREEAM (Condition 47).

15.42. In order to protect the River Enborne and the habitats within it, public access to it should be restricted (Condition 48). SNTS suggest that a no-access approach could result in unauthorised and uncontrolled access and for this reason a nature trail may be preferable. This is discussed below. [16.158]

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Compliance Conditions

15.43. The number of dwellings to be occupied prior to the provision of the A339 connection should be limited to ensure the timely and necessary delivery of the road network within the site and to achieve appropriate distribution of the traffic generated by the development (Condition 49). For the same reason the New Warren Farm Connection should be provided within 6 years of the commencement of development (Condition 50).

15.44. Hours of construction should be limited to safeguard the amenities of adjoining land uses and occupiers (Condition 51). The impacts of piling on amenity are included within Condition 32 and therefore I have removed it from this condition.

15.45. To define the permission and for the avoidance of doubt the number of dwellings should be limited to 1080 (Condition 52).

15.46. The use of the Extra Care Housing Units should be restricted to Class C3 to ensure the provision of Extra Care Housing Units as part of the affordable housing provision for the development of the site (Condition 53).

15.47. The total floor space of Class A uses proposed should be restricted to make the development acceptable in planning terms and has been determined on the basis of up to 2,150 sq.m (Condition 54). For the same reason the proportion of B1a and D1 floorspace should also be restricted (Conditions 55 and 56). Together these conditions will ensure that the Local Centre provides an appropriate mix of uses to support a vibrant and sustainable community.

15.48. To safeguard the living conditions of surrounding occupiers the hours of delivery to businesses in the Local Centre need to be restricted (Condition 57).

15.49. The occupation of the Extra Care accommodation should be restricted to those over 55 or otherwise unable to live independently without assistance to ensure provision for those in the community that require such accommodation (Condition 58).

15.50. A number of conditions were proposed that for the reasons given below are not considered to meet the tests within the Framework or PPG, and I have therefore not recommended that they are imposed. Should the SoS take a different view on this matter the suggested conditions and the parties comments in relation to them are found at P/ID2, P/ID4, and P/ID6. The conditions concerned are suggested conditions 3, 10,13,16, 21,41,44, 46, 52, 66.

15.51. A condition in relation to Secure by Design is unnecessary, since this matter would be addressed by the Design Code.

15.52. The Council suggest a condition requiring the highway to be constructed to an adoptable standard to allow the site to be accessed by refuse collection vehicles which only operate from the public highway. Whilst it is important that the highways are constructed to a standard that would accommodate refuse vehicles, the layout design, and materials are covered by other

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conditions. The adoption of roads within the development as public highways is a matter that falls under Section 38 of the Highways Act 1980. The PPG advises that "Conditions requiring compliance with other regulatory regimes will not meet the test of necessity".[211] The Council also suggested an additional condition requiring the appellant to enter into a s38 Agreement for the site and a s278 Agreement for Highway works. Given the powers available to the Council under the Highways Act I do not consider the suggested conditions to be necessary or to meet the tests in the Framework or the PPG.

15.53. The Council seek a condition requiring the reserved matters in relation to the Primary School to provide details of the pedestrian, vehicular and cycle access to the school and their provision prior to commencement of the use. It suggests that the condition is necessary since the School may be an academy rather than under the Council's control. Nonetheless these matters will be addressed as part of the reserved matters. Should it be necessary a condition in relation to the implementation of the access and any other matters in relation to it can be imposed at that time. I therefore conclude that such a condition is not necessary.

15.54. At the request of the Royal Berkshire Fire and Rescue Service the Council propose a condition to secure private fire hydrants or other emergency water supplies. The appellant advises that this is covered by the Section 51(a) of the Water infrastructure Act 1991. On this basis the condition fails to meet the test of necessity and I have not included it.

15.55. The Council suggest a condition in relation to the provision and management of ecological buffer zones adjacent to the River Enborne and other water bodies, including the proposed ponds and basins. I agree that these areas need to be safeguarded and managed, but the matters it seeks to control come within the scope of other conditions, including the Detailed Landscape and Green Infrastructure Plan for the Country Park and the Ecological Mitigation Management Plan. I therefore do not consider this condition to be necessary.

15.56. A working method statement for the works to the channel and banks of the water bodies within the site needs to be submitted in order to safeguard the integrity of these important ecological features. However, I consider that it would be more appropriate to address this through the CEMP. I have therefore adjusted the CEMP condition 28 to reflect this.

15.57. A condition requiring the submission of materials is not necessary since this would be come within the scope of the RM and the design code.

15.58. The Council suggest a condition that would preclude development within Development Parcel 1 outside of the settlement boundary shown on the Housing Site Allocation DPD. The Council have suggested a revision to the wording to permit the Crooks Copse link or other enabling works in this area. The submitted Parameter Land Use and Access Plan shows an area of about 0.35 hectare extending beyond the settlement boundary as defined by the HSA DPD. This issue is discussed below. Should the SoS conclude that

[211] PPG Paragraph: 005 Reference ID: 21a-005-20190723

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development in this area is unacceptable, it could be controlled by way of the Reserved Matters Application and therefore a separate condition is not necessary. [16.242]

Conditions suggested on behalf of Newbury Town Council and Greenham Parish Council

15.59. These conditions are set out at Appendix 6 of Councillor Dr Tony Vicker's Proof of Evidence[212] and therefore were submitted prior to the draft conditions considered above. The comments of the parties in respect of these conditions are set out at P/ID3 and P/ID5, and I have taken these views into account. To avoid confusion and to distinguish them from the conditions suggested by the main parties I have used the prefix N&G when discussing these conditions.

15.60. N&G Conditions 2, 3 & 4 concerns the route for construction traffic the order in which the internal roads should be constructed and access for HGVs. These matters, whilst important, are addressed by the Construction Traffic Management Plan (Condition 30) above and therefore an additional condition is not necessary.

15.61. N&G Condition 5 concerns the access to the dwellings during the construction period and the need to make provision for active travel from the commencement of occupation. It is not intended to alter the route of PROW/5. Access to the dwellings will be managed by Condition 30 that will seek to keep construction traffic and other occupants and users of the site safe throughout the construction period. Conditions 20 and 41 address the need for pedestrian and cycle access and include triggers for implementation.

15.62. N&G Condition 6 seeks details of temporary diversions and changes to public routes, including routes to and from school for Park House School students. Any temporary or permanent changes t public routes come within the scope of the Highway Act 1980 which will ensure that an alternative suitable route is available. I have therefore not imposed the suggested condition.

15.63. N&G Condition 7 seeks details of the means of access between the appeal site and surrounding community facilities by means other than the private car. I agree that the sustainable transport links between the site and the surrounding area are important. Details of the bus link, the PROW and cycle track across the site and the arrangements for the Central Valley Crossing pedestrian and cycle links have been submitted, although further detail will be required at a later stage. Linkages with facilities within Newbury and the surrounding area were considered in the TA and are considered in the Transport SoCG. I therefore do not consider a separate condition is necessary.

15.64. N&G Condition 8 seeks the provision of a temporary car park for the Country Park to be available at the time Phase one of the Country Park opens. The permanent parking for the Country Park would come within Development Parcel Central, and the timing of its delivery is provided for by Condition 153. However, there is no provision in Development Parcel North, but the appellants do not object to the principle of such provision and suggests that it

[212] CD 12.3 & 12.4

could be part of the reserved matters for Development Parcel North and provided before the first 150 dwellings are occupied. Such a condition is clearly desirable to minimise parking on estate roads by non-residents and I have adjusted the wording of Condition 22 to reflect this.

15.65. N&G Condition 9 seeks details of any temporary fencing to the public footpath that crosses the site (GREE/9). This is a matter that would be addressed by the CEMP and therefore an additional condition is not necessary.

15.66. NTC and GPC suggest that the reference to the Use Classes need to be updated to reflect the current Use Classes Order. The transitionary arrangements apply to any application that was submitted prior to September 2020 and requires it to be determined accordingly. I have therefore not updated the reference to the Use Classes Order.

16. Inspector's Conclusions

Considerations

16.1. As set out above, I have assessed the proposal on the basis of the Wheatcroft documents, including the revisions to the Central Valley Crossing and the emergency access. By the close of the Inquiry the Council and the appellants had reached agreement in relation to the affordable housing provision, the Primary School land and the Park House School expansion land.

16.2. In the light of the above, the main considerations in respect of this appeal are:

- Highways matters including access arrangements and highway mitigation;
- Whether the proposal would make satisfactory provision for pedestrians and cyclists;
- The effect of the proposed development, including the Central Valley Crossing, on the character and appearance of the surrounding landscape, and Monks Lane;
- The effect of the proposed development on the trees and ancient woodland on the site;
- Whether the direct and indirect effects on biodiversity are acceptable and whether the proposal would provide a biodiversity net gain;
- Whether the proposed drainage strategy is acceptable, having regard to the water table and ancient woodlands;
- Whether the proposal is acceptable with regard to carbon emissions and renewable energy;
- The effect of the proposed development on air quality;
- Whether the proposed development would restrict, prevent or preclude the development of the New Warren Farm site and the timely delivery of infrastructure for the allocation as a whole;

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- Whether the submitted unilateral undertaking would deliver the necessary infrastructure and comply with the with the CIL regulations and the same policy tests in the Framework;
- The benefits of the proposal; and
- The overall planning balance including whether in the absence of a single planning application the proposal is acceptable.

Highway Matters

Warren Road

16.3. Amongst other matters Core Strategy Policy CS 3 requires two vehicular accesses to be provided off Monks Lane with an additional sustainable transport link for pedestrians, cyclists and buses provided from Warren Road onto the Andover Road. Appendix D of the Core Strategy specifies improvements to the wider road network as part of the SSSA. The Sandleford SPD states that it is the Council's preference for an all-vehicle access link through Warren Road and suggests that such a link is 'explored'.[213]

16.4. Policy SP 16 of the Local Plan Review specifies an all-vehicle access from Warren Road. However, the Local Plan Review is still at an early stage, and this aspect of Policy SP 16 is opposed by local residents and SNTS, GPC and NTC. Therefore there is no certainty that Policy SP 16 will be adopted in its present form. [9.12, 11.4, 11.8,13.16]

16.5. The proposal does not provide a vehicular link to Warren Road. The Transport SoCG confirms that a vehicular access to Warren Road is not required in order to accommodate the traffic arising from the proposed development. [6.26, 7.22]

16.6. Policy CS 3 of the Core Strategy does however require an additional sustainable transport link to Warren Road for use by pedestrians, cyclists and buses. The appeal scheme proposes a bus route looping around the site and exiting on to Monks Lane. In this regard the proposal would fail to comply with Policy CS 3.

16.7. The parties agree that the proposed bus link would provide a good quality service that would be further enhanced through the creation of a bus link to Andover Road. The proposed bus service would meet the needs of future residents, and the Council acknowledges that, although not ideal, it is acceptable. [7.22]

16.8. The Council's concerns include the viability of the bus service if it does not link to Andover Road. The UU includes a payment of £1,500,000 contribution towards the bus service. This payment is phased over a period of eight years commencing with the occupation of the 50th dwelling. It would support the provision of the bus service for a number of years and no substantive evidence was submitted to suggest that the bus service would not be viable in the absence of a link to Andover Road. [7.22,14.43]

[213] CD 8.14 Principle A1 page 39

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16.9. Warren Road is relatively narrow, and the eastern part closest to the Site is un-made. In order to accommodate a bus link it would need to be widened and footpaths provided either side. Two planning applications have been submitted. The first, 19/02707 was withdrawn.[214] The Council made a request for an EIA in respect of the second.[215] I understand that this application has not been determined.

16.10. There is also an extant permission for the widening of the road that I am advised has been implemented.[216] These improvements to Warren Road were permitted to facilitate the extension and improvement of an existing residential property at Warren Road. The use of Warren Road by traffic arising from the appeal proposal and the DNH scheme would be of an entirely different order.

16.11. There is considerable opposition to the use of Warren Road as an access from the SSSA. This includes a petition signed by 777 people, as well as Warren Road residents, SNTS, NTC and GPC. The appropriateness of such a route still needs to be assessed in terms of its impact on the existing residents of Warren Road, particularly given the proximity of a number of the existing dwellings to the road, the safety of students walking to and from Park House School, the effect on the trees on the northern side of the road which are safeguarded by a TPO, and biodiversity. Moreover, Warren Road is not within the control of the appellants.

16.12. As acknowledged by the Council there is no certainty that the Warren Road link would be delivered. Moreover, the requirement for the bus service to link to Andover Road via Warren Road is applicable to the entire development. Warren Road lies outside of the appeal site and does not adjoin it. In the light of the appellants' inability to provide a bus link to Warren Road and given that the proposed development would provide a good quality bus service, the funding of which would be secured for a number of years, I find the proposal to be acceptable in terms of access. I afford any conflict with policy CS 3 in relation to this matter little weight. [7.21,8.102]

16.13. I am aware that the SPD requires an all-vehicle link to Warren Road to be explored to maximise permeability through the site (Principle A1). For the reasons given above the proposed development cannot provide a vehicular link to Warren Road and the absence of such a link does not conflict with the relevant development plan policies. The SPD requires such a link to be explored, rather than making it a specific requirement for the development of the SSSA. This requirement relates to the entire allocation, and the link is currently being explored in the context of the DNH application. It is evident from the evidence submitted to the Inquiry that there are constraints on the delivery of the Warren Road link, and there is no certainty that such concerns can be adequately addressed. Moreover, as acknowledged by the Council there is no certainty that the development on the adjoining land will ever happen. [8.100]

[214] CD 13.8
[215] CD 13.9
[216] CD 13.7

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Transport Assessment Modelling

16.14. GPC and others are critical of the assumptions within the modelling. They consider the SOA chosen for the modal share for travel to work is considered unrepresentative of the appeal site. This matter is relevant to the Travel Plan rather than the modelling. As confirmed in the Transport SoCG, the appellants have used the Council's VISSIM Model, and the inputs and scenarios run have been agreed by the Council. I therefore have no reason to doubt the outputs of the modelling within the Transport Assessment. [10.15,11.15,13.13, 14.37,14.38]

16.15. The Transport Assessment showed significant impacts on the local highway network, particularly towards the town centre. This informed a package of mitigation measures as set out in the Transport SoCG and secured by the UU.[217] The mitigation has been agreed with the Council.

16.16. Notwithstanding the off-site mitigation proposed, the modelling shows that at the A339 / A343 St Johns Roundabout / Greenham Road Roundabout there would be significant improvements on the A339 southbound arm and the Greenham Road arms. On the A339 northbound arm the traffic queues would lengthen. However, the Council is satisfied that these queues would not trail through other junctions.[218] It is suggested by interested parties that no mitigation is proposed for this junction, but this is not the case. The proposed improvements are set out in the Transport SoCG and secured by the UU. [13.15]

16.17. Therefore, on the basis of the evidence submitted to the Inquiry, I am satisfied that the traffic modelling is robust and that taken as a whole the appeal scheme would not have a severe impact on the highway network. In accordance with paragraph 111 of the Framework development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this regard the proposed development would comply with Policy CS 13 of the Core Strategy.

Construction Traffic

16.18. The Scheme is a phased development and is anticipated to be constructed over an approximate 14-year period up to 2033, during which time the level of construction traffic would vary and there would also be a mix of construction and development generated traffic.[219] Traffic to and from the site will be managed by way of a Construction Traffic Management Plan (CTMP) secured by condition. This would also take account of any potential conflict between access to the Highwood Copse Primary School as well as the school proposed as part of the development.

16.19. SNTS, and other parties are concerned that Warren Road would be used by construction traffic. The appellants indicated that this was not intended. This is a matter that would come within the scope of the CTMP. In addition, there

[217] ID11 Section 5 and ID12
[218] CD 11.6 & 11.7
[219] ES Chapter 13.6.2

is no direct access between Warren Road and the appeal site at the present time, and any such access would need to be reliant on the use of adjoining land which is not controlled by the appellants. [11.8,13.16]

16.20. SNTS are concerned that if DNH wish to develop their part of the site in advance of the completion of the Central Valley Crossing then Warren Road would be the only access. This would be a matter to be assessed at the time the DNH application is considered, and it falls outside of the scope of this appeal. [11.8],

16.21. There are other more general concerns in relation to the impact of construction traffic on the surrounding highway network, including the need to access the site from Monks Lane. Mr Allison was also concerned about the effect of construction traffic and any associated congestion on access to his property which would be accessed by way of a separate arm of the proposed roundabout. It is suggested that the access from the A339 should be used until the latter stages of development. Such consideration will need to take account of the proximity the Highwood Copse School and the re-cycling centre. These matters would be addressed by the CTMP. Moreover, the measures employed may need to be modified as construction progresses. [12.23,12.24, 13.13, 13.14]

16.22. I conclude that, subject to a phasing plan and CTMP, construction traffic arising from the scheme would not have a severe effect on the surrounding highway network and would ensure that safe and suitable routes are available for non-construction traffic associated with the development.

Emergency Access

16.23. DPC would comprise about 500 dwellings and the Local Centre. It is separated from DPN1 and DPN2 by the Central Valley. It would be linked to these areas by the Central Valley Crossing, and as such would have a single point of access. The appeal application was determined on the basis of an emergency access from the A339 adjacent to the PROW that crosses the site. The Wheatcroft Documents included the Valley Crossing Study.[220] This outlined three options for the crossing. The preferred Option 3 proposed two separate structures for crossing the valley. One would provide a walking/cycling route but would be available as an emergency access should it be necessary. The Council agree that this would overcome its concerns in relation to emergency access. [6.26]

Roundabout

16.24. Mr Allison is concerned that the location of the roundabout to the western access may give rise to traffic congestion that could impact on his ability and that of his neighbours to access their properties. He requests that the access point is moved 70m to the west as was shown on the original plans. [12.21]

16.25. The western access to Monks Lane is one of the matters for determination at this stage. No alternative arrangement has been submitted and therefore the proposed development must be assessed on whether the proposed access is

[220] CD 6.3

acceptable in terms of highway safety, its impact on traffic flow, and the ability of nearby residents to access their property.

16.26. The roundabout has been designed with an additional arm that will serve the access to Mr Allison's property and those of his neighbours. The traffic modelling indicates that, whilst there will be modest increases in queue lengths at the Pinchington Lane roundabout, these are not such that they should extend as far back as the proposed roundabout.[221] Consequently the traffic impacts of the proposal would be unlikely to have a significant effect on the ability of Mr Allinson to access his property. Based on the available evidence I conclude that the proposed roundabout is acceptable in highway terms.

Conclusion

16.27. The proposal would fail to comply with Policy CS 3 of the Core Strategy in so far as it would not provide a bus link via Warren Road to Andover Road. However, the proposed bus service would provide a satisfactory connection and would have the potential to be extended in the future. As explained above, the requirement for a bus link relates to the whole allocation rather than just the appeal site. I therefore conclude that the proposal is acceptable in terms of access and impacts of the highway network.

Whether the proposal makes satisfactory provision for pedestrians and cyclists

16.28. Both the Core Strategy and the Sandleford SPD support and encourage the provision of sustainable transport links through the site and with the surrounding area. [222] Policy CS 3 specifically requires the provision of a pedestrian and cycle link to Warren Road, whilst Policy CS 13 requires proposals to facilitate sustainable travel.

16.29. The appellant has provided details of the location of local services and facilities as well as walking and cycling routes to these facilities. [223] Of those facilities likely to be used most frequently there would be convenient cycle routes to all but Park House School and Falkland Primary School. The cycle route to these would be dependent on a link along Warren Road, there would however be a pedestrian route to these facilities.

16.30. NTC, GPC and SNTS raised concerns about the quality and adequacy of the proposed routes. The proposal includes a number of improvements to walking and cycling routes within the locality. These are set out in the Transport SoCG and secured by the UU.[224][6.24, 6.27,14.36]

16.31. The distances set out at table 5.1 of Mr Bird's evidence are taken from the centre of the site.[225] Therefore the DPC would be further from the town centre than the assessment agreed by the Council and the appellants suggests. The incline between the site and the town centre may also

[221] CD 1.5 Transport assessment Section 7
[222] CD 8.14 Principles A2,A3 and L6
[223] CD 10.8 Mr Bird PoE Appendices figures 2, 3, & 4
[224] ID11 Paragraph 2.8
[225] CD 10.7 Table 5.1 page 23

discourage some people from cycling. Nevertheless, most of the day-to-day facilities likely to be used by residents are closer to the site than the town centre, and the proposal also includes provision for a bus service. I am therefore satisfied that all residents would be within reasonable walking and cycling distance of education facilities, and food retail facilities. Although some residents will rely on the use of private cars, there are sufficient links between the site and the wider area to provide sustainable transport links for those who wish to use them. The Transport Plan, which is secured by condition will include further measures to encourage sustainable travel. [10.10, 11.8,11.14].

16.32. A safe walking and cycling route for students at Park House School during construction is necessary. Whilst it is probable that there will be some disruption to walking and cycling routes during the construction period this matter can be addressed by the CTMP and the phasing plan, both of which are secured by condition. [10.19]

16.33. Concerns are raised by GPC in respect of the design of the replacement signalised crossings and their suitability for cargo/trailer bikes, and roundabouts and junctions in general. This is a matter to be considered by the Highway Authority as part of the detailed design for this junction. [10.21, 10.22]

16.34. SNTS, GPC and NTC identified issues with the existing cycle route along Monks Lane. These relate to its width, the overhang of the hedgerow and potential for conflict with pedestrians. Various suggestions as to how this matter could be resolved were put forward, including the possibility of restricting the use of the south side of the carriageway to cyclists and the northbound to pedestrians. These are existing problems due to the width of the cycleway and a balance needs to be struck between the needs of pedestrians and cyclists and the retention of the hedgerow and trees along this part of Monks Lane. There is no evidence to suggest that the problem would be exacerbated by the proposed development and I consider that this is a matter for the Highway Authority to address, outside of this appeal. GPC is concerned that the existing cycle route along the south side of Monks Lane will be interrupted by the access points to the appeal site. This is an inevitable consequence of the development and the requirement for the access points to be from Monks Lane. The detailed design of these access points will need to make appropriate provision for pedestrians and cyclists and this is secured by conditions. [10.16]

16.35. There is an existing PROW across the site and it is proposed to provide a new cycle route adjacent to this that would link to Warren Road via the DNH site. However, at the present time the cycle link cannot be provided. As discussed at the Inquiry, cyclists would be able to dismount and walk the short stretch along the PROW to Warren Road. Although it would be desirable to provide the cycle link at an early stage of the development, the provision of the link is outside of the appellants' control. [10.18]

16.36. I agree with SNTS that if the footpath across the site is too muddy it is unlikely to be used. The surface finish and drainage for the footpath within the site will be a matter of detailed design. The PROW across the site is primarily a recreational route and most journeys to and from school by foot would be

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through the relevant development parcels and these would be suitably paved or finished. [11.8]

16.37. The Central Valley Crossing proposes two separate bridge decks. These would separate pedestrian and cycle routes from vehicles and provide a safe and attractive pedestrian route between DPC and the remainder of the development. The separation from vehicular traffic may encourage more families with young children to walk and would be a benefit of the Wheatcroft scheme and add to the sustainability of the proposed development.

16.38. Whilst the proposal would not provide a cycle link to Warren Road, in all other respects it would provide suitable cycle and pedestrian routes, both within the development and with the wider area. It would therefore comply with Core Strategy Policies AADP1 and CS 1. The additional journey length in the absence of this link would not be so excessive as to discourage those inclined to cycle, but I nevertheless acknowledge that a link would be beneficial. Due to the absence of the Warren Road cycle link the proposal would not comply with CS 3 or the Sandleford SPD.

16.39. GPC considers that the pedestrian / cycle access point shown to the south of the Rugby Club clubhouse is unsuitable for cyclists or disabled access and advocates a route within the Rugby Club and David Lloyd Leisure Centre. Whilst such a route may be beneficial it relies on land outside of the appellants' control. Therefore the absence of such a route does not weigh against the proposal, albeit, the appellants may wish to explore the feasibility of such a route in the future. [10.18]

The effect of the proposal, including the Central Valley Crossing, on the character and appearance of the surrounding landscape, including the character of Monks Lane;

16.40. The character of the Site is strongly influenced by its topography. It is largely contained within a secluded valley setting. The surrounding urban development restricts long distance views into the area, with the exception of limited views from the A339/Sandleford Priory looking west.

16.41. The Site comprises an arable landscape, broken up by areas of ancient woodland, the central valley and the Crookes Copse Valley. To the north and north-east it is influenced by the urban area of Newbury, comprising residential development, retail parks and large-scale recreational facilities. The areas to the south and east are more rural in character, although separated from the site by the A339.

16.42. The proposal has evolved since the determination of the application and the submission of the appeal. In particular, the Central Valley Crossing Study submitted with the Wheatcroft documents proposed 4 Options for the valley crossing in place of the embankment considered by the Council at the time of the application. There is general agreement that the parallel bridge option is preferred and this removes the need for an emergency access across the site.[226] I have assessed the proposal accordingly.

[226] 17562-STR-SK03

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16.43. The proposed layout of the Site closely reflects that within the SPD in terms of the developable areas of the site, the location of the local centre and the alignment of the Central Valley Crossing. It differs in so far as it proposes the Crooks Copse Crossing, as required by the Highway Authority. As acknowledged by the SPD there will inevitably be changes in the landscape character of the site as a consequence of its i development.

LVIA

16.44. The LVIA submitted at the time of the application relied on the Landscape Character Assessments (LCAs) available at the time the ES was prepared.[227] It was not updated for the application, which the appellants acknowledge was an error, and therefore did not have regard to the Council's most recent landscape assessment, namely the West Berkshire Landscape Character Assessment 2019. [228]

16.45. Mr Cooper, on behalf of the appellants, submitted an updated LVIA with the appeal that takes account of the most recent assessment.[229] However, as accepted by the appellants, the design of the scheme, including the SLGIP, fails to take account of the more up-to-date key characteristics, value attributes and sensitivities within the most recent LCA.

16.46. The Council suggest that the failure to take account of the most recent LCA means that insufficient attention has been paid to hedgerow loss and severance, the interruption of views within the site by the conveyancing channels, footpaths, the Central Valley bridge and SuDS Basins. It also considers that there is a failure to balance recreational pressure against the landscape sensitivity and that the ancient woodland blocks would become more isolated. [8.23- 8.30]

16.47. Whilst the proposed development, including the SGLIP may be unsatisfactory from the Council's point of view, there is no substantive evidence to suggest that the matters referred to above were not taken into account at the time of the application. Indeed, many of them are referenced in the Planning Statement and ES that accompanied the application. [230] The various matters raised by the Council are addressed in the appropriate sections of this Report.

16.48. The layout and design proposed closely follows the principles and Masterplan Framework within the Sandleford SPD in terms of the location of built development and pedestrian and access routes within the site. No evidence was submitted to suggest that the Council propose to revise or alter the Sandleford SPD in response to the updated LCA, and I am not persuaded that the matters raised by the Council are due to the reliance of the original LVIA.

16.49. The appellants submitted an updated LVIA with the appeal. I acknowledge that there were errors in the dates of assessment considered and compared within Mr Cooper's Proof of Evidence, but these were largely addressed by the submitted addenda and there can be little doubt that his evidence had regard

[227] CD 1.7-1.9
[228] CD 8.21
[229] CD 10.5 Appendix C
[230] CD 1.3

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to the most recent LCA assessment.[231] I therefore do not consider that these errors undermine the reliability of Mr Cooper's evidence to the Inquiry.

Valued Landscape.

16.50. Although 74% of the District comes within the North Wessex Downs AONB, the Site itself does not benefit from a statutory designation. The Council submit that it is a valued landscape for the purposes of paragraph 174 of the Framework. Whilst valued landscapes are not defined, Box 5.1 of GLVIA 3 sets out a range of factors that assist with the identification of valued landscapes.

16.51. Whilst Box 5.1 provides a useful guide as to what constitutes a valued landscape, it pre-dates the current Framework. The Framework states that valued landscapes should be protected and enhanced in a manner commensurate with their statutory status or identified quality in the development plan. PPG advises that, where landscapes have a particular local value, it is important for policies to identify their special characteristics and be supported by proportionate evidence. [8.18]

16.52. The Council considers that the appellants' assessment as to whether this is a valued landscape does not fully reflect the factors within box 5.1. The site is located close to the parkland associated with Sandleford Priory. The majority of the parkland is located to the east of the A339. Whilst the effect of the proposal on the setting of this parkland is a material consideration, the former walled kitchen garden, which abuts part of the eastern site boundary, now comprises a private garden and paddocks associated with Sandleford Farm. I do not consider that it adds to the rarity of the site for the purposes of Box 5.1.[8.17,8.18]

16.53. The ancient woodland and linear ghyll woodlands that create important habitats could be considered representative of the area. I agree that the site displays elements of tranquillity particularly towards the central and western parts of the site. These are subject to less disturbance from traffic and are separated from the peripheral uses, such as the Rugby Club and School. Due to its topography, including the wet valleys and the ancient woodland, the site has considerable scenic value, particularly towards the central and southern parts of the site.

16.54. The site is part of a wider arable landscape, albeit broken up by areas of ancient woodland, and I disagree that it has elements of wildness. As conceded at the Inquiry by Mr Cooper, on behalf of the appellants, the site does have associations with the Watership Down book.

16.55. The site, together with Greenham Common, comes within the West Berkshire Landscape Character Assessment WH2 Character Area. This identifies the valued features including the association with Sandleford Priory and the Parkland. The site has some characteristics associated with a valued landscape, including scenic quality, conservation interest due to the biodiversity and ancient woodland on the site, and association with the Watership Down book.

[231] ID49 & ID69

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16.56. Whilst the site exhibits some of the qualities associated with a valued landscape set out in Box 5.1, neither the Core Strategy, the Sandleford SPD or the emerging Local Plan Review refer to the Site as a valued landscape. In the absence of any reference to the value of the landscape or its special qualities within the development plan, I conclude that it is not a valued site for the purposes of the Framework. However this conclusion does not mean that the landscape features and valued components of the landscape should not be protected and/or enhanced.

16.57. It is inevitable that a development of the scale proposed will impact on landscape character. There would be a change from a wooded arable landscape to an urban landscape due to the proposed housing with parkland occupying the remainder of the site. The context for these changes is that this is an allocated site and has been for many years. It is the Council's intention to continue to allocate the site going forward. Any such changes to the character or appearance of the site should be assessed in the context of Policy CS 3 of the Core Strategy and the guidance in the Sandleford SPD.

16.58. I turn next to specific components of the proposal in terms of their landscape effect.

Central Valley Crossing

16.59. The Council accept that the Central Valley Crossing will cause some harm. It was originally proposed that the crossing would take the form of a raised embankment across the site. This also necessitated an emergency access adjacent to the existing PROW. The parties agree that the current proposal for a bridge would be less harmful in terms of its impact on landscape and biodiversity. [8.11]

16.60. It is agreed that the option with two bridge decks would be the least harmful, of those proposed in the Central Valley Crossing Study, but the Council has outstanding concerns in relation to the Crossing. Its principal concern relates to the additional width arising from the provision of a second bridge deck for pedestrians and cyclists and the consequence of this in terms of additional piers, shading and footings. It considers that this could be avoided if the link to Warren Road was provided. For the reasons given above there is no certainty that the Warren Road link will be provided. [8.32]

16.61. The parties differ as to the extent to which the second bridge deck would increase the width of the Crossing. The Council suggest 2 metres, whilst the appellant suggests 1 metre. What is apparent is that the second deck would introduce additional parapets and most likely additional column/structures under the bridge. This would add to its overall bulk. [7.25,8.31]

16.62. The bridge would be viewed from within DPC and also from the southern part of the site. In the context of the scale of the proposed development an additional 1 or 2 metres in width would have a negligible impact on the landscape in terms of visual effects and additional shading. Bridges across valleys if well designed can be an attractive addition to the landscape. Regardless of width, the bridge abutments will be a distinctive feature within the landscape, and it is essential that high quality materials are used. This is an outline application, and the detailed design of the bridge would enable further refinements to limit any adverse impacts to trees or landscape.

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16.63. The Council's views in relation to the second bridge deck would appear to be predicated on its preference for an all-vehicle access from Warren Road. However, the use of Warren Road would require the carriageway to be widened to 6 metres and the provision of footpaths either side. Warren Road has a semi-rural residential character at present and is characterised by low density residential development to the southern side and a belt of mature trees to the northern side. It is apparent that the works would not only encroach upon the RPA of these trees but would extend close to their stems. This would have consequences for the character of Warren Road, the setting of Park House School and biodiversity. Indeed, Mr Grigoropoulos, on behalf of the Council indicates that the loss of these trees would be unacceptable in landscape, arboricultural and ecological terms.[232]

16.64. No evidence was submitted to the Inquiry to indicate that these matters had been assessed and were found to be acceptable, or the impacts would be less severe or harmful in terms of landscape character than the additional width arising from the current proposals. Nor is there any assessment of the benefit of providing a car free crossing for pedestrians and cyclists. In my view the proposed Central Valley Crossing should be assessed in terms of its effect on the surrounding landscape and not by comparison with the potential Warren Road access.

16.65. The Central Valley Crossing would, together with the development as a whole, change the character of the landscape. As currently proposed it has the potential to be an attractive feature in its own right. It would nonetheless require the removal of tree T69. There is also likely to be some shading due to the size and width of the structure. The proposed crossing has been refined to reduce tree loss. Although it is not without any impact on the landscape, this would be true of any crossing at this location. Therefore given the need for a crossing at this point, I consider the scheme put forward to be acceptable in principle. Moreover, it is possible that the design could be further refined as part of the reserved matters and any adverse effect further reduced.

Crooks Copse

16.66. The Crooks Copse link is required by the Council in order to improve the connectivity of the site. The absence of such a link was a reason for refusal in terms of the previous application. The appellants' proposal is for a road to follow the contours of the valley and keep the width as narrow as possible. Tree planting is proposed to link the road visually and ecologically with the valley.

16.67. The Council consider that this would cut off the visual flow of the valley and could be avoided if a bridge were provided. They consider such an approach to be in accordance with Development Principle CA7 of the Sandleford SPD. This requires valley crossings to respond sympathetically to the landform and avoid large scale earthworks. The Council also suggests that a low-level bridge would minimise visual impact as well as the impact on the hydrological regime of the wetland. It may be that the bridge would be beneficial in terms of its impact on hydrology and biodiversity. Any such benefits would need to

[232] CD 11.1 Paragraph 7.71

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be weighed against the necessary engineering works and their impact on the landscape. Whilst the option of a bridge should be explored, the current proposal follows the contours of the landscape and therefore responds sympathetically to the landform as required by CA7. Therefore in landscape terms I do not consider that it would give rise to any greater harm by comparison with a bridge. Should a bridge be found to be preferable for other reasons this is a matter that can be resolved as part of the reserved matters and any adverse effects on biodiversity will need to be balanced against landscape harm. [8.32]

16.68. The Council submit that Crooks Copse would also be harmed by the encroachment into the woodland buffers, housing on the lower part of the valley slopes and additional pathways proposed within this area. The woodland buffers are addressed below. The housing will extend towards the lower valley slope and therefore would impact on the setting of Crookes Copse, but this arrangement is envisaged by CS 3 and the Sandleford SPD. The location of the proposed housing closely follows the Core Strategy and the SPD. Moreover, emerging policy SP 16 is reliant on the Sandleford SPD which provides a framework for the future development of the site. Whilst there would be some visual harm to the setting of Crooks Copse due to the encroachment of housing on the lower valley slope, the developable areas are entirely consistent with the Council's intentions as set out in the SPD and with the exception of a small area of land would also come within the settlement boundary for the purposes of Policy C1 of the HAS DPD. Therefore the provision of housing on the lower valley slope would not conflict with Policy CS 3, HSA Policy C1 or the SPD. [8.33]

Play Areas

16.69. The NEAP is proposed to be located between Dirty Ground Copse and Gorse Covert. This differs from the location shown within the Open Space Framework Plan within the Sandleford SPD which locates it between Dirty Ground Copse and Barn Copse. However, the SPD also states that the NEAP should be located within the central part of the Site. In its present position, although it is separated by a considerable distance from Sandleford Priory, it has the potential to adversely impact on the parkland setting and views from Sandleford Priory. The extent of any harm would be dependent on the precise nature of what is proposed and the landscaping to be provided in this location. I also note that, at the time of the previous application, the same location of the NEAP was considered to be acceptable.[233] Should there be any adverse impact on views from Sandleford Priory these could be mitigated by way of appropriate tree planting and other landscaping. Overall, I consider that the location of the NEAP is acceptable in landscape terms and it would be conveniently located for future occupants of Sandleford Park West.

16.70. The Council is concerned that the Locally Equipped Play Area between DPN1 and DPN2 would encroach into the north valley area, and that this would be detrimental to the integrity and the connectivity of Crook's Copse and the other ancient woodlands to the south. The Council's desire to maintain the undeveloped character of the valley corridors is set out at Development

[233] ID60

Bloor Homes Ltd

Principle CA9 of the SPD. This undeveloped character will inevitably be compromised to some extent by the proximity of the proposed housing, but the proposed LEAP has the potential to harm the undeveloped part of the valley. The Sandleford SPD is confusing in relation to the location of the LEAP since it refers to its location within the northern valley, but Figure 8 shows it to be located within the developable area.

16.71. I consider that it would be preferable to locate the LEAP closer to the developable area in order to safeguard the character of the valley. This would also avoid the need for children using it having to cross the Crooks Copse Link Road in order to access the LEAP. Given the outline nature of the application, the relocation of the LEAP would not fundamentally alter the layout of the proposed development and I see no reason why this could not be achieved.

Other Concerns

16.72. The Sandleford Mile is a proposed recreational route across the valley for pedestrians. The Council considers that it would erode the undeveloped nature of the valley contrary to Development Principle CA9. However, CA9 also envisages pedestrian routes linking different areas of development including within the valley. CA9 expects such routes to follow the edge of the valley floor avoiding the wetland areas to minimise adverse impacts and allow access into the development areas. The Sandleford Mile is in a similar location to that shown on the Access and Movement Plan and the Landscape and Framework Plan within the SPD. A footpath through the valley would accord with the aims of CA9, and the SPD more generally. Subject to a suitable surface, the footpath would have a minimal impact on the undeveloped character of the valley. As agreed by the Council and the appellants the detailed design of the Green Links within the Site can be secured at the reserved matters stage. [6.10, 8.24]

16.73. The Council suggest that the recreational pressure of the proposed development on the undeveloped areas of the Site has not been properly assessed. The SPD states that the Country Parkland will provide opportunities for a wide range of recreational activities including a circular walk, a cycle path, educational trails and a sculpture trail. This matter is addressed in the ES, which considers management regimes and objectives for the Country Park. The function of the Country Park is to absorb recreational pressure to avoid an adverse effect on Greenham Common SSSI. [8.25]

16.74. There is concern about the extent of access to the ancient woodlands and any harm that this may cause. This will need to be assessed against deterioration to the ancient woodland but would accord with the aims of the SPD, which seeks managed access to the woodland areas. If such access is found to be harmful, it can be managed. The suggested conditions in respect of the ancient woodland and Country Park would provide suitable safeguards, including a Warden. This approach is consistent with the Council's position in the SoCG where it is agreed that the detailed design of the Green Links within the Site can be secured at the reserved matters stage, and that an appropriate scheme for the management and maintenance of the Country Parkland can be secured by appropriate pre-commencement conditions. Moreover, the recreational pressure must be considered in the context of the site allocation, Policy CS 3 and the Sandleford SPD, which seeks recreational

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provision on the site, although such provision will need to be balanced against any adverse effects on biodiversity. [6.18, 8.46, 8.47, 8.49, 9.3, 9.5, 11.20, 15.15]

16.75. The Council suggest that the proposal does not create any meaningful woodland. However as shown on the SLGIP, it does include such planting in the south of the Site, in the vicinity of Waterleaze Copse to join up with the riparian woodland along the River Enborne and reflect the historic tree planting pattern in this part of the site. The proposal also makes provision for areas of strategic planting within the site. Overall the submitted SGLIP would accord with Principle L4 of the Sandleford SPD. The provision of additional areas of woodland planting can be considered at the time of the reserved matters.

16.76. The Council is also concerned that the proposed SuDS may adversely impact the landscape character of the site. Drainage is discussed later in this Report, but it has implications for the ancient woodland, biodiversity and the landscape. Given that a SuDS system is proposed, subject to impacts on biodiversity, there are opportunities for conveyance channels and detention basins to be appropriately located within the landscape and perhaps enhance the landscape character provided they do not adversely impact on the ancient woodland or HPI. There is scope to design these features in a manner that would not be harmful to the landscape, or alternatively locate them within the developable areas. Such an approach would be consistent with Section F of the Sandleford SPD which envisages the inclusion of SuDS features within the green links. [7.26, 8.35]

16.77. *Monks Lane* The proposal would result in the loss of a considerable length of the hedgerow along Monks Lane in order to accommodate the access points and the necessary visibility splays. This hedgerow is an attractive feature along Monks Lane and separates the residential and commercial development to the north of it from the largely undeveloped countryside beyond. The hedge is about 2-3 metres in height and is interspersed with trees. Cllr Hunneman stated that the hedge was planted about 40 years ago. [8.23]

16.78. The proposals include replacement planting to the accesses. Mr Cooper provided an illustrative design for such planting but both the Council and the R6 parties considered the extent of the re-planting to be inadequate. Due to the need to provide the access points and accommodate the requirements of the Highway Authority, regardless of the scale of planting, the character of this part of Monks Lane will change. The entrance to the site will be a prominent feature in the local area and I agree that high quality and substantial planting in this location is desirable.

16.79. The appellants suggest that it may be possible to translocate the existing hedgerow. I have some reservations as to whether this would be successful due to the number and age of trees within it. Nevertheless, it would be worth exploring whether this is likely to be practical or successful, since it would lend some maturity to the landscaping and assist with integrating the proposal with the surrounding area. Should it not be practical to translocate the hedge, subject to appropriate soil conditions, a replacement hedge would take 3-5 years to establish and together with heavy standard trees would mitigate the harm arising from the loss of the hedgerow. Whilst any trees would take

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longer to make a similar landscape contribution to the existing trees within the hedgerow, I consider Mr Flatman's assertion that it would take 40 years for them to establish to be a very significant over-estimation. Even with these measures there would be a significant change to the character of this part of Monks Lane as a consequence of the proposed development. [8.23]

16.80. *Sandleford Priory* The proposal includes the reinstatement of the rural parkland character to enhance the setting of Sandleford Priory, with new tree planting to reflect the 18th Century tree planting as shown on historic maps. Views between the Country Park and Sandleford Priory will be retained, and enhanced, including the existing view corridor from the listed St. Gabriel's School. This approach accords with Development Principle L5 of the Sandleford SPD.

16.81. Mrs Kirkham, of the Berkshire Gardens Trust confirmed that their outstanding concern was in relation to the emergency access across the site adjacent to the PROW. As set out above, this is no longer proposed. Therefore overall the proposal would have a beneficial effect on the setting of Sandleford Priory and the registered Park and Garden. [4.7, 12.4, 12.6]

16.82. *Watership Down* The site has a literary connection with Watership Down, the book written by Richard Adams, in that the book includes locations within the Site such as the shallow valley between Barn Copse and Slocketts Copse. There is also a Watership Down Walk that crosses the Site. [8.17]

16.83. The area between Barn Copse and Slocketts Copse will remain undeveloped, although the Central Valley Crossing will be immediately to the north of this area. The existing walk across the site is confined to the PROW. Whilst this will be retained, part of it will be through the developed area of DPC and this will change the character of the walk. There is however potential for new routes to be created in the Central Valley area to mitigate this. There may be some dilution of the literary association with Watership Down, but equally there is an opportunity through the use of information boards for an appreciation of the links by a greater number of people. I also note that there is no mention of this link within the Core Strategy or the Sandleford Park SPD. I therefore do not consider that any dilution of the link with Watership Down would have an appreciable impact on the landscape value of the appeal Site.

16.84. It is inevitable that a development of the scale proposed will impact on landscape character. There would be a change from a wooded arable landscape to an urban landscape (within the development parcels) and parkland to the remainder of the site. The context for these changes is that this is an allocated site, and has been so for many years, and it is the Council's intention to continue to allocate the site going forward.

16.85. Mr Kennedy questioned whether the site was visible from the AONB. The Council and the appellants confirmed that views from the AONB had been considered. They were satisfied that potential views from the North Wessex AONB are screened by the intervening landform and woodland pattern. On the basis of my observations at the time of my site visit I agree that views from the AONB would be screened. [12.24]

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Overall conclusion on Landscape

16.86. The proposal will alter the character of the landscape. The northern part of the site where the development is concentrated will change from an arable landscape to an urban landscape. Whilst this cannot be considered to be a positive change, this is an allocated site and development will be located within the areas indicated by CS 3 and the Sandleford SPD. Amongst other matters Policy CS 3 expects proposals to make efficient use of land whilst respecting the density, character, landscape and biodiversity of the surrounding area. Subject to the mitigation measures proposed and the location of the LEAP, the layout proposed by the appellants strikes an appropriate balance between the need to bring the Site forward for housing development in accordance with the development plan and the need to respect the character of the site, as required by Policy CS 3.

16.87. The suggested conditions include a design code, a landscaping scheme, protection for the woodlands, the design and management of the Country Park, and measures to protect the trees and hedgerows during construction. Subject to compliance with these conditions there is no reason why a high-quality residential environment could not be delivered. The trees on the site and the ancient woodland will afford the proposed development an element of maturity. Suitable landscaping proposals will also assist with the assimilation of the proposed development with its surroundings.

16.88. The proposal would provide benefits in terms of the change of the southern part of the site from an arable landscape to a parkland with additional woodland planting close to Waterleaze Copse.

16.89. Balanced against this, there would be increased recreational pressure on the landscape and some loss of tranquillity. Such harm is a consequence of the allocation of the site for housing. Moreover, whilst the use of the Country Park would contribute to this loss of tranquillity, the increased recreational use of the Site accords with Policy CS 3 and the Sandleford SPD. The purpose of the Country Park is to limit additional recreational pressure on Greenham Common SSSI. The management of the Country Park and ancient woodland, including a Warden, would assist with mitigating any harm.

16.90. Whilst there would be harm to the character and appearance of the landscape, the proposed development is consistent with Policy CS 3 which requires development to be limited to the north and west of the site, and to protect the registered historic landscape and setting of the former Sandleford Priory. In my view the proposals have been informed by and respond to the distinctive character of the site. Whilst I acknowledge that the proposals were not informed by the most recent LCAs, having regard to the Council's assessment of this failure, I do not consider that it would give rise to a significantly different arrangement for the Site. The layout of the Site and the landscape proposals have sought to respond to the Development Principles within the SPD, and the only significant differences relate to the location of the NEAP and LEAP in the northern Valley. Both of these matters can be addressed at the reserved matters stage.

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The effect of the Proposal on the trees, and ancient woodland on the site

16.91. The Site includes areas of woodland and ancient woodland, hedgerows and numerous mature trees. The site is protected by a Tree Preservation Order which protects specific trees on the Site as well as groups of trees and woodlands in the interests of amenity.[234]

16.92. Strategic Objective 5 and Principle L4 of the Sandleford SPD reflect the requirements of Policy CS 3 in so far as they seek to retain all important trees and hedgerows on the site, including all of the ancient woodland areas. This approach is also consistent with Policies CS 17 and CS 18. The SPD also requires access to the ancient woodlands to be managed to ensure that their ecological value is not compromised. It expects that mature trees within the valley will be retained to maintain the parkland setting and filter or obscure views of the built development. Existing mature and veteran trees within the valley corridors will be retained and managed as appropriate.

Trees

16.93. Paragraph 180 c) of the Framework is clear that planning permission should be refused where proposals would result in the loss or deterioration of ancient or veteran trees, unless there are wholly exceptional reasons, where the public benefit would clearly outweigh the loss or deterioration of habitat, and a suitable compensation strategy exists.

16.94. The appellants submitted an updated Arboricultural Impact Assessment, Method Statement and a Tree Protection Plan as part of the Wheatcroft submission.[235] The trees to be removed were identified in the Arboricultural SoCG.[236] The Council has concerns that not all of the veteran trees on the site are shown as such within the appellants' assessment or are included in the Ancient Tree Inventory (ATI). ID17 shows the location of the trees concerned. The appellants agree that all of the trees on the ATI were veteran trees, but they disagree with the Council in respect of those not on the ATI.[8.50]

16.95. The Council is concerned that the works necessary to facilitate the cycle track and the track to the Country Park Office in the vicinity of veteran trees T57, T59 and T166 could result in the deterioration of these trees. The alignment of the cycle track as shown on the Tree Protection Plans would encroach upon the Root Protection Area of these trees. The appellants propose a 'no-dig' permeable surface in locations where the route would encroach on the RPA of trees to be retained.[237] Mr Giles, on behalf of the Council, was also concerned that the construction of SuDS features, including the SuDS basin within the RPA of T166 could adversely impact on that tree. As discussed below, the drainage proposals would also be considered at the time of reserved matters and/or discharge of conditions and I can see no reason as to why the location of this SuDS basin could not be adjusted at that time.[8.51]

[234] CD 17.6 Tree Preservation Order no.201/21/1016
[235] CD 6.5
[236] ID24 Paragraph 2.7 c)
[237] CD 10.10 paragraph 5.13

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16.96. The Council consider that the use of a no-dig surface would not be consistent with *BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations* since it does not support the use of hard surfaces within the RPA of veteran trees. Whilst any proposed works close to vulnerable trees should be avoided where possible, whether they are harmful to the trees concerned would depend, amongst other matters on the RPA of the tree concerned, which may deviate from the circular RPA shown on the submitted Tree Protection Plans and would need to be assessed at the time detailed proposals are submitted.[238] The distance of any works from the vulnerable trees as well as the precise location and the nature of the works proposed would also need to be considered.

16.97. The submitted Tree Protection Plans are based on the indicative layout for the proposal. Therefore, whilst the cycle track is shown to follow the alignment of the existing PROW and that shown within the Sandleford SPD, the detailed alignment and surfacing would be agreed by the Council in order to discharge the relevant conditions. T57 and T59 are located close to Gorse Covert and the impact of any works required to provide the cycle track would need to be carefully assessed in order to avoid any adverse effect on either Gorse Covert or these trees. The cycle track would primarily be a recreational route and speeds would need to be low in order to avoid conflict with those using the Country Park for recreational purposes. Therefore a reduction in the width of this part of the cycle route could be accommodated if necessary to avoid any harm to these trees. Alternatively, there would be scope to realign the cycle track to avoid any harm to these trees if necessary. Similar considerations apply to T166 located close to Waterleaze Copse.

16.98. T31 is a veteran tree located close to the Warren Road boundary. It has an extensive RPA that is crossed by the existing PROW and the proposed cycle track. I agree with the Council that this is a 'pinch point' in the light of the desire for a cycle link to Warren Road. I do however, find an inconsistency in the Council's submissions in relation to the cycle link. On the one hand it is critical of the failure to provide a cycle link to Warren Road, but at the same time it is critical of the effect of the proposed link within the site on the trees and does not suggest that an alternative alignment would address this matter. The proposed cycle link is in a similar position to that shown within the SPD. Should the detailed design proposals for a cycle track in this locality be unacceptable due to the impact on this tree, given the protection afforded to veteran trees, the cycle link to Warren Road may need to be re-considered.

16.99. T61 is a mature beech tree identified by the Council as a veteran tree. It is a fallen tree and the Council desires it to be retained and fenced in its current location, whilst the appellant wishes to move it to the edge of the nearby woodland. The retention of the tree, either within its current location or moved to the edge of the woodland would be equally beneficial to biodiversity. The proposal would not give rise to the loss or deterioration of this tree since it is a fallen tree, and therefore it should not be a constraint on development. [8.55]

[238] CD 6.5

16.100. T153 and T155 are located close to the south eastern boundary of the site and are not impacted by the proposed development. The issue between the parties relates to the management of these trees. The Council is concerned that, due to the need to make them safe in the light of the proposed public access, they could be felled and/or pollarded. It has a preference for them to be fenced. Access to the Country Park is an integral part of the proposal, as well as a requirement of the Core Strategy and the Sandleford SPD. Its purposes include avoiding any increased visitor pressure on Greenham Common SSSI. The management of these trees would need to be balanced against the need to ensure public safety. This is a matter to be considered at the time of reserved matters and/or discharge of conditions and does not have any implications for the layout of the Site. [6.11, 6.18, 8.55]

16.101. T46 is located close to the access point for DNH. It would appear that it is possible for the connection between the two areas to avoid the RPA of this tree. Should this not be possible, given the intention within the Core Strategy and Sandleford SPD to link both areas, the most appropriate location for the link would need to be agreed, having regard to the effect on biodiversity, including trees, and the need for a well-planned development. No persuasive evidence has been submitted to show that the precise location of the link would be a constraint on development. [8.56]

16.102. T44 & T45 are located close to the boundary with DNH and the developable area encroaches upon the RPA for these trees. The Council considers that these trees are potential veteran trees. The appellants disagree. The trees have not been classified as such by the Ancient Tree Inventory, nevertheless their retention is desirable. Trees are common features within developed areas and can add to the character and attractiveness of an area. The illustrative plans show the retention of the tree line in which these trees are located. Provided any works within the RPA of these trees is subject to precautionary measures, in accordance with the provisions and recommendations of BS5837:2012, the fact that they are located close to the developable area should not adversely impact on their retention. [8.56]

16.103. T114 lies close to the tip of Slocketts Copse ancient woodland. The Council consider that it should be included within the ancient woodland and that this would increase the buffer zone around it to 15 metres. It would therefore conflict with the proposed alignment of the road. Despite the presence of some deadwood it is an attractive tree, and was categorised as a category A tree in the appellants' survey. Due to its position, it makes a positive contribution to the character of the site and its retention is highly desirable. Although the road passes close to the RPA I consider that there is sufficient flexibility in the proposed arrangement for the detailed alignment of the road to avoid the RPA and any consequential harm to this tree. [8.56]

16.104. T111 is located on the edge of the developable area. The Council consider it to be a veteran tree and that its RPA should be increased. The appellants acknowledge that it is a good quality tree. However, for the reasons given in relation to T114, whilst the RPA of this tree may influence the layout of the proposed development, there would appear to be no reason as to why T111 could not be retained at the reserved matters stage. [8.56]

Pinhoe Plough Estates

Ancient Woodland

16.105. As set out above, there are a number of areas of ancient woodland on the site, as well as Gorse Covert which is not designated as ancient woodland. Ancient Woodland is an irreplaceable habitat and its loss or deterioration should be avoided. [3.5]

16.106. Policy CS 3 seeks to conserve the areas of ancient woodland and provide appropriate buffers between the development and the ancient woodland. Sandleford SPD Development principle CA8 sets out the key design principles for the woodland areas within the Country Park. These include the retention of ancient and semi-natural woodland within the site with a buffer zone to development of 15 metres; avoiding light spill towards and into the woodland; managed access to the ancient woodland via a series of identified paths and routes; and pedestrian routes into woodland areas to provide links to the wider network of pedestrian linkages within the development and through the valley onto the Country Parkland.[239]

16.107. The Council consider that the 15m buffers referred to by the Sandleford SPD to be a minimum and suggest the development should provide more generous buffers to ensure unnecessary deterioration and harm to these irreplaceable habitats. It is also concerned as to the possible encroachment of works within these buffer areas. The Council does not propose an alternative minimum figure but draws attention to advice from Natural England provided in relation to the Land South of Pondhouse Farm application. This was a proposal for up to 100 dwellings and the Council and Natural England stated that it would expect the buffer to be larger for a development of the type and size proposed in accordance with its Standing Advice.[240] [8.42, 8.44]

16.108. The Standing Advice referred to was prepared jointly with the Forestry Commission and updated in 2018.[241] It explains that the size and type of buffer zone should vary depending on the scale, type and impact of the development. The minimum depth should be at least 15 metres to avoid root damage, however where other impacts are likely to extend beyond this distance, a larger buffer zone may be required. The example given in relation to a larger buffer concerned air pollution arising from a significant increase in traffic. This position was confirmed by the Forestry Commission.[242]

16.109. The Council refer to the Woodland Trust's *Planning for Ancient Woodland and Veteran Trees* (July 2019). This advises that a minimum buffer of 50 metres should be provided as a precautionary principle, but acknowledges that " *each one should be designed to fulfil the specific requirements of its location and the type of proposed development."*[243] NTC and SNTS also consider that the buffers should be substantially increased to 50 or 100 metres. [9.2, 9.6, 9.7, 9.8, 11.24, 11.25]

[239] CD 8.14 page 80
[240] ID34, ID35, ID36, ID38
[241] CD 8.31
[242] CD 11.16 Appendix 1
[243] CD17.3 page 20

16.110. The Core Strategy, the Sandleford SPD and the emerging Local Plan Review all require buffers to be a minimum of 15 metres in depth. Although Natural England considered that the proposal has the potential to adversely affect ancient woodland it directed the Council to its Standing Advice, that also requires a 15 metre minimum buffer.[244] The justification for a considerably larger buffer within the Woodland Trust publication is unclear, and whilst it may be that specific parts of the site require a larger buffer, no evidence was submitted to indicate that this is the case. On the basis of the submitted evidence I see no reason to depart from the requirement within the development plan and Natural England's Standing Advice. I find that the minimum 15 metre buffer proposed is acceptable and permits flexibility.

16.111. The Council consider that even if a 15-metre buffer is acceptable that the proposal fails to achieve this in a number of locations. It would seem that some of the difference between the parties relates to how the buffer zone is measured. The final buffer position would be informed by up-to-date evidence, including surveys. Suggested condition 18 secures both the need for a minimum buffer of 15 metres and how it should be measured. It is also relevant to note that much of the ancient woodland on site would adjoin the Country Park and the buffer would greatly exceed 15 metres in these locations.[245] I therefore conclude that the proposed buffers are acceptable subject to a detailed assessment at the reserved matters stage.

16.112. The potential incursion into the buffers is due to SuDS, construction zones and recreational/amenity uses. There is a difference between the parties as to whether any activity, including conveyance channels and footpaths should be permitted within the buffer zone. [8.45]

16.113. The Sandleford SPD states that services within the buffer zones would only be permitted if they do not impact on the RPAs.[246] The Forestry Commission confirmed that sustainable drainage schemes within buffer zones should be avoided unless they respect RPAs and any change to the water table does not adversely affect ancient woodland or ancient and veteran trees, reflecting the guidance in the Standing Advice. [247] The Woodland Trust states that the buffer zones must not contain sustainable drainage systems which could impact on the hydrology of the ancient woodland.[248] Therefore, although SuDS features are not excluded within these areas, any proposed encroachment would need to be supported by clear and convincing evidence as to their impact on the trees within the ancient woodland including their hydrology. Notwithstanding the stated position within the SPD, the default position should be that any incursions into the buffers, including conveyance channels, should be avoided unless there is clear evidence that they would not harm the ancient woodland.

16.114. There was also a difference between the parties as to the provision of informal footpaths within the buffer areas as shown on the SLGIP. Such

[244] CD 2.32 page 2
[245] CD 10.14 Appendix A Figure 4
[246] CD 8.14 page 33
[247] CD 11.16 Appendix 1
[248] CD 17.3 page 20

footpaths are specifically provided for within the Sandleford SPD.[249] The appellants submitted details as to how footpaths within the buffer zones would be provided. However, the Standing Advice discourages such uses. Notwithstanding this, any footpaths proposed within the buffer zone would need to be considered in the context of other measures such as fencing and other routes available, but again the default position should be that they are avoided unless there is clear evidence that there would be no harm to the ancient woodland.

16.115. Concerns were also raised as to the indirect impacts on the ancient woodland. Some impacts, such as dumping garden rubbish and the intrusion of light could be minimised or avoided by the design and layout of the proposed built development. There would remain issues such as predation by cats and other pets. [8.41, 8.48, 8.49, 8.50, 8.51, 9.3, 9.4, 9.5, 9.8]

16.116. The greater concern relates to the effect of recreational use on the ancient woodlands. This was assessed within Chapter 6 of the ES. The submitted SLGIP shows public footpaths through the areas of ancient woodland. The Council and R6 parties consider that this would lead to damage from trampling, including changes to the vegetation structure, the spread of invasive species and the modification of bird behaviour due to walkers and dogs. [7.37, 8.45, 8.46, 8.47, 8.49, 9.3, 9.5]

16.117. Due to the location of the woodland areas within an otherwise arable landscape, with the PROW being the only permitted public access, the ancient woodland is not subject to these recreational pressures at the present time. There is however evidence that existing tracks through many of the woods have been used for shooting and other activities. I also noticed that fly tipping had occurred within Gorse Covert.

16.118. Given that the primary purpose of the site allocation is to provide family housing, I consider that to exclude all public access to the woodland areas could encourage unauthorised access and it would be preferable to manage such access. This could be achieved by way of clearly identified routes, perhaps providing alternative routes for cyclists, employing a warden, and providing information/education to the future residents of the scheme, and also through ensuring that other areas of the Country Park are more inviting, thereby providing an attractive alternative to the ancient woodland for recreation. Such an approach is not uncommon in many areas of irreplaceable habitat and can be designed so that it is not intrusive. This approach may not exclude all activity from the remainder of the woodland, but any residual use should be at a level that would not cause significant harm to the ancient woodland or give rise to its deterioration. Moreover the Council and the appellants agree that an appropriate scheme for the management and maintenance of the Country Parkland can be secured by appropriate pre-commencement conditions. [6.9]

16.119. The necessary measures can be secured by the Country Park Management Plan and suggested Conditions 16 and 18. They should also be based on a detailed ecological and arboricultural assessment of the woodland areas and the proposed buffer.

[249] CD 8.14 page 33 Principle L4 b)

16.120. The proposal includes the Sandleford Mile, the indicative route of which is shown at Figure 7 and Figure 14 of the Sandleford SPD. It is proposed that this would extend between Monks Lane and Warren Road, to meander through the development site and Country Park, partly follow the route of the existing public footpath, and connect with the proposed new footpath routes.[250] This route would pass through the valley between Slocketts Wood and High Wood, both areas of ancient woodland. At the Inquiry the ability to achieve this without impacting on the buffer to the ancient woodland or the buffer to the stream in the northern valley required by the Environment Agency was questioned. I agree that along parts of this route there is potentially a pinch point. The detailed alignment and construction of the Sandleford Mile and the form it takes, would need to be informed by a detailed assessment of the adjacent woodland, together with the proposed buffers. Although the delivery of the Sandleford Mile would provide recreational benefits for both future residents and existing residents within Newbury, if it is concluded that it cannot be delivered without the loss of deterioration of ancient woodland, alternative routes would need to be considered. [8.45]

16.121. I conclude that the 15 metre buffer as proposed would be adequate to safeguard the rooting areas of the trees within the ancient woodland, provided any access to, or works within, these areas are limited as outlined above. Whilst the proposal would increase public access to the ancient woodland, I consider that any adverse impacts could be appropriately managed through the SLGIP, including provision for a Warden. With these measures in place, the proposal would be unlikely to result in the loss or deterioration of ancient woodland and would comply with paragraph 180 c) of the Framework, and Core Strategy Policies CS 3, and CS 17. This approach accords with that set out in the SoCG between the Council and the appellants. [6.18]

Overall Conclusion

16.122. Any adverse impacts on the veteran trees on the site could be satisfactorily addressed as part of the reserved matters. This would avoid any significant harm to, or loss of veteran trees, although in some instances a balance would need to be struck between the effects of any proposed works to some trees and public safety.

16.123. The proposal has the potential to result in the loss or deterioration to the ancient woodland on the site. However, I am satisfied that these potential conflicts could be avoided, subject to a more detailed assessment at the reserved matters stage and managing access to the woodland areas.

Whether the direct and indirect effects on biodiversity can be satisfactorily mitigated and whether the proposal would provide a biodiversity net gain

16.124. Core Strategy Policy CS 3 requires proposals to mitigate the increased recreational pressure on nearby sensitive wildlife sites and secure strategic biodiversity enhancements, whilst Policies CS 14 and CS 17 together aim to conserve and enhance biodiversity and create linkages between green spaces

[250] CD 22.42 Page G7/7

Recommended Rejected

and wildlife corridors. Policy GS1 of the HSA DPD states that all adverse impacts on habitats and species of principal importance for the conservation of biodiversity in England and other biodiversity would be addressed through avoidance, appropriate buffering, on-site mitigation and where applicable, off-site compensation measures.

16.125. The appeal site is located close to the Greenham Common SSSI and the woodlands within the Site form part of the High Wood Local Wildlife Site. In addition to the ancient woodland and other woodland, the on-site habitats include Marshy Grassland,[251] the River Enborne and streams, species poor and species rich hedgerows. The proposal would provide buffer zones around the woodland as discussed above. [16.111, 16.121]

Connectivity

16.126. A number of hedgerows would be severed as a consequence of the proposal.[252] The severance is largely due to the proposed road network within the development, which are either a requirement of the development plan and the Sandleford SPD or, in the case of the Crooks Copse link, a requirement of the Council and Highway Authority.

16.127. The loss of hedgerows would be compensated for by the enhancement of other hedgerows and the replanting of defunct hedges and field boundaries. In addition to the enhancement of hedgerows and in order to mitigate the fragmentation of potential hazel dormouse habitat it is proposed to plant trees either side of the breach to allow the canopies to meet and create a continuous arboreal link.

16.128. Linkages between habitats are important for maintaining connectivity. The appellants assessed the effect of the proposal on hedgerow links between the woodlands. The existing hedges would be improved through planting across gaps and by doubling their width with planting either side. Overall, the number of linkages would increase from 19 to 21. [253]In addition, 'stepping stone' woodlands are proposed to link areas of ancient woodlands. These would improve connectivity, particularly for High Wood, which currently benefits from a single linkage.[254]

16.129. The Council is concerned about the implications of loss of hedgerow habitat for any hazel dormice present on the site. Although the hedgerows have potential for dormice, the site has been surveyed at regular intervals over the past ten years and there has only been a single dormouse recorded in the 2019 survey. [255] I do however note that Councillor Hunneman stated that dormice and grass snakes had been observed in the front gardens of the dwellings on the opposite side of Monks Lane. I have no reason to doubt Councillor Hunneman's evidence in relation to this matter, but the Council do not dispute the findings of the appellants' surveys or the methodology used. I therefore accept that there is a low dormouse population on the appeal Site.

[251] A Habitat of Principle importance of Local Value
[252] ID18, ID19
[253] CD 10.14 Appendix A
[254] Woodland Wildlife Toolkit 2021
[255] CD 20.17 ES Chapter 6 pages 6-16

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16.130. Given the limited evidence of the presence of hazel dormice on the site, the proposal for new or reinforced hedgerows together with the proposed mitigation would mean that any loss of connectivity due to the removal of hedgerows should not adversely impact on hazel dormice.[256] Although the areas where severance is proposed would provide road linkages within the site, the potential for disturbance from vehicles is limited due to the nocturnal habit of hazel dormice. I agree with the Council that any new planting will take time to establish, however, given the very low numbers of dormice found on the site, this would not significantly impact on dormouse habitat.

16.131. The Council also question the feasibility of a vegetation arch in the vicinity of the Central Valley Crossing given the nature and width of the bridge and its intended use. There is no evidence of dormice in this location. Should updated surveys indicate that the situation has changed, mitigation, possibly including a dormouse gantry could be considered at the reserved matters stage if necessary.

16.132. The proposed western Monks Lane access and associated works provision entails the removal of a significant length of hedgerow and trees. T116, a notable, over-mature /dying oak tree with moderate bat roost potential is now to be retained. The Monks Lane hedgerow provides a reasonably substantial belt of vegetation. It is identified as having dormice potential, it is also used by commuting and foraging bats and is the only part of the site with recent reptile records (grass snake in 2019). It also forms part of a virtually continuous peripheral wildlife corridor around the northern site boundary, linking Barn Copse, with Slockett's Copse, through to the SE corner of Crook's Copse and onto High Wood,

16.133. Although there are no records of dormice within the Monks Lane frontage the appellants acknowledge that it has potential for dormice and propose linkages with other hedgerows as mitigation for this loss of habitat.[257]

Marshy Grassland

16.134. Areas of Marshy Grassland are located along the Central Valley and the valley between Slocketts Copse and High Wood. The Central Valley includes a small, narrow, linear area of Purple Moor Grass and Rush Pasture, a HPI listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, within the Central Valley.[258] Although Purple Moor Grass was absent within these areas, due to the presence of sharp-flowered rush and higher botanical value species these patches were categorised as falling within the Purple Moor Grass and Rush Pastures HPI.[259] These areas represent 16% of the total Berkshire resource and are of County Importance, they nevertheless fall below the site selection criteria for a SSSI.[260][8.72]

16.135. The Council and the appellants differ as to whether there would be adverse impacts due to shading from the Central Valley Crossing. Some of

[256] CD 22.20
[257] CD10.14 Appendix A
[258] CD 23.32 page 14
[259] ID62
[260] ID58

the Purple Moor Grass may be indirectly impacted by shading from the Central Valley Crossing. The extent of any harm would be dependent on the final design and form of the Crossing. Any indirect loss or harm could be mitigated through the provision of additional areas within the Central Valley. Based on the indicative layout, the southern area of Purple Moor Grass would not be impacted by the footpaths and cycle paths across the valley. [7.41, 8.66]

16.136. The Marshy Grassland occupies a more substantial area of the valleys and would be impacted by the Crookes Copse Crossing, SuDS conveyance channels, and construction works. These areas are vulnerable to changes in hydrology or water quality. It is proposed to provide additional areas of Marshy Grassland within the site as indicated on the SLGIP, and this would represent a potential gain of 14%. I consider that this would adequately mitigate the loss of these areas. [7.39]

16.137. The Council agree that, by comparison with other options, the proposed crossing would significantly reduce the loss of Marshy Grassland, and specifically the linear area of Purple Moor-Grass and Rush Pastures HPI within the valley and the adjacent habitats on the valley sides.

Central Valley Crossing

16.138. The Council consider that insufficient information has been submitted to assess the impact of the Central Valley Crossing on biodiversity. Although the appellant has submitted a CMS the Council is of the view that this underestimates the harm.[261] [8.69, 8.70]

16.139. The CMS proposes a 4 metre wide temporary haul road and the use of pre-cast bridge decks. Allowing for the working area beneath the proposed bridge there would be a total working area 20 metres wide. The Council consider that the working area would need to be about 100 metres wide in order to provide sufficient space, but the justification for this figure is unclear. The use of pre-cast decks would limit the extent of work within the Marshy Grassland area to the provision of piers and abutments, with other work being above the valley floor. [262] Should the 4-metre-wide haul route indicated in the CMS be insufficient, it seems improbable that the haul road/working area would need to be of the scale suggested by the Council. I consider it to be closer to the 20 metres suggested by the appellants.[263]

16.140. As referred to above, there would be some loss of Marshy Grassland in this area. In addition, the scheme would involve the removal of T69 which lies outside of the Construction Exclusion Zone for the ancient woodland. There would also be the loss of some trees within G68. These are generally no more than 4 metres in height and comprise hazel, goat willow and holly. The Council suggest that there would be insufficient distance to accommodate the road and a footpath between T76 and T78. However, the road would be located outside of the RPA of these trees, and on the basis of the submitted evidence I am satisfied that there would be adequate space to accommodate the road and the footpath in this location. Notwithstanding this, an

[261] ID52
[262] Ms Deakin Biodiversity roundtable session
[263] ID61

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assessment of the trees and other constraints would be necessary as part of the detailed design for the Central Valley Crossing. [16.136]

16.141. The Council considers that there is still potential loss of connectivity and harm to bats, barn owls and other bird species, and for them to be lost or injured by vehicular impact. It submits that the proposed hop-over trees may not be effective in preventing foraging and commuting bats from colliding with vehicles on the bridge structure and that this may harm the function of the Central Valley as a wildlife corridor for commuting. At the Inquiry, on behalf of the Council, Ms Deakin stated that whilst it might be expected that barn owls would fly under the bridge, this is not certain and would depend on the height of the bridge. In addition, she was concerned that shading due to the bridge could have implications for the vegetation in this part of the valley and therefore adversely impact commuting and foraging bats. There is no compelling evidence to suggest that barn owls would not be able to fly over the bridge or alternatively avoid the bridge. This matter, together with any effects due to shading from the bridge would be reviewed as part of the RM. [8.66]

16.142. The Council consider a narrower crossing would give rise to less biodiversity harm and this could be achieved by a single crossing, rather than two parallel crossings as proposed. A narrower crossing would be dependent on the use of Warren Road to access the Site. For the reasons given above the proposed development does not include an access from Warren Road. Moreover, no evidence has been submitted to suggest this modest additional width of the bridge would be more harmful in terms of biodiversity by comparison with an all-vehicle access from Warren Road. I therefore afford this consideration minimal weight.

16.143. On the basis of the available evidence, it would seem that the proposed Central Valley Crossing minimises harm to biodiversity, including trees, ancient woodland and other habitats, by comparison with other options. There is potential to further refine the detailed design of the crossing and perhaps further reduce any harm at the time of the reserved matters. [8.70]

Crooks Copse

16.144. There would be some severance arising from the Crooks Copse link, but this is a specific requirement of the Council. A bridge in this location may be more beneficial to biodiversity overall. This would need to be assessed in the light of any impacts on the ancient woodland and landscape when the height and length of the proposed bridge is taken into account.

Monks Lane

16.145. A substantial stretch of hedge along Monks Lane would be removed to provide access to the site and the necessary sightlines. NTC requested that the hedge be replaced on a like for like basis, even if it results in a reduction of development land.

16.146. Whilst the precise nature of any replacement hedge is a reserved matter, there would appear to be no impediment to the provision of generous boundary planting along the frontage of the site. The inclusion of standard trees within the hedgerow, together with suitable soil preparation, should

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ensure that any planting in this area establishes quickly for the benefit of biodiversity and the character and appearance of the area.

Greenham Common SSSI

16.147. BBOWT considers that there is insufficient evidence to support the view that the proposal would have a negligible effect on Greenham Common SSSI. The ES identified the potential for increased recreational use but does not quantify it or assess the impact it could have. [12.11, 12.15,12.16]

16.148. Paragraph 180 of the Framework states that development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.

16.149. Greenham Common SSSI is approximately 400m from the east of the site, but considerably further from the developable areas, from which it would be separated by the Country Park and the A339. Greenham Common SSSI is already used by local residents for walking, dog walking, hosting events such as nature walks and nature identification days. The existing measures in place help minimise the impacts of visitor pressure. The usual mitigation for additional visitor impact on sensitive habitats would be the provision of an alternative convenient greenspace to attract visitors away from the SSSI and the Country Park has been designed for this purpose. Neither Natural England, nor the Council object to the proposal due to visitor impact on the Greenham Common SSSI.

16.150. The Council and the appellants agree that it is not necessary for the proposed development to mitigate any impacts at Greenham Common SSSI, provided adequate management and maintenance of the Country parkland is secured, including the provision of a full-time warden.[264] Such measures can be secured by way of a planning condition or the UU. I therefore conclude that any increase in visitor numbers to Greenham Common SSSI would not be likely to have an adverse effect on it and the financial contribution sought by BBOWT is not necessary to make the development acceptable.[6.18]

Species

16.151. The site has been subject to a number of species surveys over the past 10 years, however the Council consider that the surveys in relation to bats and badgers are inadequate.[265] Most of the recent surveys date from 2019 and the CIEEM Advice Note suggests that, in the case of mobile species where the survey is more than 18 months old, the ecologist would need to conduct a site visit and review the validity of the surveys.[266] In this instance various species on the site have been surveyed over a period of years and, taken together, these surveys provide a reasonably consistent picture of the extent and activity of those species likely to be impacted by the proposal.

16.152. Whilst in the case of mobile species the pattern of use can change, the application is for outline planning permission, for a development that is likely

[264] CD 9.1 SoCG paragraph 8.6
[265] CD 10.13 Section 2.1
[266] ID29

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to take 10 years or more to complete and therefore the species concerned may alter the way in which they use the site during this period. Updated surveys would be required to inform detailed mitigation proposals for the various phases of the development. However, given the considerable amount of survey information available I do not consider that updated surveys for the entire site would serve a useful purpose at this point in time.

16.153. The Council consider that further surveys are required to determine badger movement patterns on the Site, and specific mitigation requirements to ensure badger welfare.[267] There is evidence of badger activity in Crook's Copse and its environs. The Council also consider that badgers from the High Wood main sett cross the Crook's Copse link area as part of their territorial area and is concerned that the main badger sett in High Wood may become untenable due to disturbance (including a proposed Play Area within approximately 30m of the main sett). [8.74]

16.154. The site has been surveyed for badger activity. The surveys included evidence of badger setts or other badger activity such as paths, latrines, footprints or signs of foraging.[268] The surveys noted activity within Crooks Copse, and the proposed development would allow badgers to continue to use Crooks Copse and would also include new areas suitable for foraging within the Country Park. The appellants acknowledge the potential for the play area to disturb badgers and state that the play area can be moved further from this main sett at the reserved matters stage.

Skylark

16.155. Skylark were recorded breeding within arable land, all of which would be lost. Councillor Foster noted that 4 pairs of skylarks were seen on the Site last year. There is a risk of disturbance to skylarks and other breeding birds once the dwellings are occupied and the Country Park is in use due to recreational pressure on habitats used by them, and an increase in noise due to traffic. [9.4]

16.156. Skylarks also breed within grassland and there would be a significant increase in grassland on the site. The mitigation proposed includes two skylark plots (4m x 5m) within the Country Park. These are to be sown with seeds from arable plants and protected by fencing to prevent access by visitors or dogs during the breeding season. There was some criticism of the small size of these plots. However, they are to provide skylarks with protection during the breeding season, and they would not be confined to these areas.

16.157. There could be an overall loss of habitat for skylarks as well as other negative impacts due to the proximity of the proposed residential development. It may not be possible to fully mitigate such harm.

Brown Hare

16.158. The arable habitats within the site have been confirmed to support Brown Hare. As with the Skylarks, Brown Hare also use grassland habitats, a

[267] CD 11.10 3.6.24
[268] CD 22.21

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large amount of which would be created as part of the proposed Country Park. Some of these grassland areas would be managed as tall or rough grassland suitable for Brown Hare. In addition, it is proposed to exclude the public from the southern part of the site near the River Enborne and this may provide an additional area of habitat. Nonetheless, there may be an overall loss of habitat that may not be fully mitigated.

16.159. SNTS question whether excluding public access from this area may in fact encourage unauthorised access which could be more harmful. I appreciate that this is a risk and it is a matter that would need to be reviewed once the Country Park is operational. However, on the basis of the available information I consider that access should be restricted in the interests of biodiversity.

16.160. The proposal would also cause loss or damage to the swathes of Marshy Grassland wetland habitat in the vicinity of the link road and would significantly reduce the open character of the valley. Although planting to the eastern side of the stream/wetland habitat would in due course provide a foraging/commuting route suitable for bats, they may well continue to use the wider stream corridor/combined with the new SuDS basin, as a route to and from Crook's Copse.

16.161. Balanced against these harms the proposal would provide new areas of habitat. These include the enhancement of hedgerows that would be beneficial to breeding birds and hazel dormice; the provision of nest boxes for small birds, hazel dormice nesting boxes within the woodland areas, and a new area of woodland in the vicinity of Waterleaze Copse.

Biodiversity Net Gain

16.162. The appellants' submitted Biodiversity Net Gain Assessment included ancient woodland in the calculation. It was confirmed by Natural England that ancient woodlands are an irreplaceable habitat and are regarded as being exempt from BNG. This means that a project can still deliver and meet its BNG requirements even if it partly impacts an irreplaceable habitat.[269]

16.163. The revised BNG assessment calculates a net gain of 146.16 biodiversity units which is an increase of 48.93% for area-based habitats. [270] In addition, there is anticipated to be a net gain of 1.97 linear units which is an increase of 8.49% in linear habitats.

16.164. Nonetheless the Council is doubtful that this level of BNG that is theoretically achievable in the retained and new habitats on site, would be achieved in practice, due to the extent and degree of physical degradation of these habitats arising from human recreational use.[271] It does however accept that the proposal would provide a BNG. Even if the BNG falls short of that assessed by the appellants' there would remain a generous BNG. [6.18]

[269] ID45
[270] ID50
[271] ID53

16.165. In terms of the ancient woodland as found above, potential harm to the ancient woodland could be avoided, subject to a more detailed assessment, at the reserved matters stage.

Overall conclusion on Biodiversity

16.166. The proposal would have potential for the loss of habitats on the site, including loss of connectivity. The mitigation proposed by the appellants would to a large extent mitigate any harm. However, any such mitigation would need to be considered in combination with the landscape effects and a detailed assessment of any potential adverse effects on the trees and ancient woodland on the site.

16.167. There is also potential harm to species present on the site, much of which could be mitigated. The mitigation for some species would need to be assessed on a phased basis reflecting the mobile nature of the species concerned. Notwithstanding this, in the case of some species the harm would not be fully mitigated and there would remain residual harm. These species include the brown hare and skylarks, both of which are species of local importance.

16.168. Notwithstanding these residual effects, when looked at in the round, with the proposed mitigation measures, the direct and indirect effects of the proposed development would be adequately mitigated, and the proposal would deliver a BNG. The proposal would therefore comply with Core Strategy Policies CS 17, CS 3 and GS1.

Whether the proposed drainage strategy is acceptable, having regard to the water table and Ancient Woodlands;

16.169. Core Strategy Policy CS 16 requires surface water to be managed in a sustainable manner through the implementation of SuDS in accordance with best practice and provide other benefits where possible, such as improvements to water quality, biodiversity and amenity. Paragraph 169 of the Framework states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. It sets out guidance as to the systems to be used.

16.170. The parties submitted a Drainage SoCG to the Inquiry setting out the matters in dispute.[272] These include the effect of the proposal on groundwater, the effect of surface water run-off on ancient woodland, the detention basins, the Wheatcroft documents, the overall strategy and design.

16.171. The appellants carried out groundwater investigations in September 2014 and this showed no groundwater present during testing. The Council considers this result to be unreliable since September is one of the driest months of the year and the investigation was based on areas where built development was proposed. The Council put forward alternative figures derived from a groundwater study by JBA consulting also in 2014. The Council's modelled results showed the groundwater levels to be close to the surface over parts of the site.[273][8.56]

[272] ID22
[273] CD 11.11 Mr Bowden PoE paragraph 3.2

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16.172. At the Inquiry both parties accepted the need for further investigations during winter months in suitable locations.[274] The appellants questioned the reliability of the Council's modelling which it considered to be illogical and inconsistent with how groundwater would behave within this site, taking account of topography, geology and the intrusive site investigations.[275]

16.173. Neither study provides evidence that is sufficiently reliable to assess the effect of the proposed drainage strategy on groundwater levels or the adjacent ancient woodland. Therefore, further investigations are required to ascertain the existing groundwater levels across the site and assess the effect of the proposed drainage strategy on groundwater levels.

16.174. The Council's position is that the SuDS measures between the various areas of ancient woodlands would draw off groundwater to the detriment of the hydrology in and around the ancient woodland. The appellants submit that this matter can be addressed by the use of lined SuDS or unlined SuDS dependent on the groundwater level. The Council consider that such an approach would either restrict the ability to benefit biodiversity or be harmful to the landscape due to the engineering works required to provide them.[276]

16.175. At the present time the water table levels are unknown, however, if they are found to be as high as suggested by the Council, then there seems to be no reason as to why a lined conveyance channel could not be used to protect the existing groundwater regime. If the appellants are correct, then an unlined channel would seem to be suitable. Whilst the impact of such channels on the landscape would need to be assessed, there is no compelling evidence to indicate that either approach is not acceptable.

16.176. The Council consider that there would be a harmful reduction in infiltration from the development areas and this would adversely affect the ancient woodlands. The appellants submitted an assessment of the watershed for each woodland parcel. This demonstrates that the woodlands are not reliant on surface water run-off and sets out the potential change in infiltration from rainfall due to an increase in impermeable surfaces. On the basis of this evidence I am satisfied that the reduction in infiltration would not be harmful to the ancient woodland. [8.58]

16.177. The Council is critical of the proposed SuDS strategy since it is based on site control features that aim to restrict the discharge from the whole or a significant part of a site at a single location and to temporarily store the excess water, rather than source control measures that deal with run-off at, or close to, the surface where rainfall lands. This does not in itself undermine the effectiveness of the proposed drainage strategy. [277] As explained in the FRA, due to ground conditions the scope for source control (that is reliant on infiltration) is limited on this site.[278]

[274] ID 22 Page 1
[275] CD 10.36 Mr Witts Rebuttal PoE paragraphs 1.17 – 1.25
[276] ID22 Paragraph 2.16
[277] ID22 page 2
[278] CD 10.17 Appendix D paragraph 6.6

16.178. The appellants drainage strategy divides the site into three catchment areas, as shown on the drainage strategy plan (10309-DR-02 A). Surface water generated from the development footprint within these catchment areas would be collected and conveyed via a surface water pipe network under the adopted roads and/or the swales. Surface water would be collected in a detention basin and discharged to the watercourse at a controlled rate.

16.179. The revised FRA submitted with the Wheatcroft documents is based on drawing 10309-DR-02A. The proposal was further refined prior to the Inquiry as shown on drawing 10309DR-03A.[279] The appellants also submitted an alternative strategy that includes Options 1 and 2 as shown on 10309-DR-04A.[280]

16.180. The Council is critical of all these strategies due to the impact on either the ancient woodland or the Purple Moor Grass and Rush Pasture. With the exception of Option 1 and Option 2 the submitted strategies show the conveyance channels running in the valley between Slocketts Copse and High Wood, both of which are areas of ancient woodland. Option 1 and Option 2 avoid placing the conveyance channels between Slocketts Copse and High Wood. They do however propose a conveyance channel between the ancient woodlands of Slocketts Copse and Slocketts Copse West. [8.59]

16.181. Whilst the location of SuDS channels within the ancient woodland buffer zones is consistent with the SPD, it is contrary to Natural England's Standing Advice, unless it can be shown that it would not have a harmful effect on the ancient woodland. There is insufficient information in relation to the location of the proposed conveyance channels and the precise impacts on the ancient woodland to conclude that these strategies would avoid such harm.

16.182. It is evident that, although matters have progressed since the submission of the application, none of the options put forward resolve all of the issues. This is at least in part due to the manner in which issues evolved at the Inquiry, where a single buffer zone for Slocketts Copse and Slocketts Copse West was raised for the first time, as was the effect of the drainage on the Purple Moor Grass. Neither Option 1 nor Option 2 would remove the conveyance channels from the ancient woodland buffers.

16.183. I am satisfied there is sufficient flexibility in the strategies to avoid adverse effects on the Purple Moor Grass since this occupies a relatively narrow strip within the Central Valley. Moreover, should there be any adverse impacts on the Marshy Grassland it should be possible to mitigate these within the Site.

16.184. At the Inquiry Mr West, on behalf of the appellants, indicated an alternative alignment that would avoid the ancient woodland and the Purple Moor Grass HPI. However, this option has not been assessed. Other solutions could include locating all SuDS features within the developable areas. This may have implications for the number of dwellings proposed or the density of the proposed development.

[279] CD 10.17 Appendix B
[280] CD 10.17. Appendix D

16.185. The SuDS SPD sets out the matters that should be included within an outline sustainable drainage strategy. Although most of the matters listed have been included, they are not all satisfactory. In particular, as accepted by the appellants, there is a need for further site investigations, including groundwater level investigations. Due to the extent of the ancient woodland on the Site and its topography, the provision of a SuDS system is challenging. A detailed assessment of the extent of the buffers to the ancient woodlands to ascertain the areas where SuDS features can be located without harm to the ancient woodland is required.

16.186. On the basis of the evidence available to the Inquiry, it would seem that none of the drainage options put forward would avoid harm to the ancient woodland. However, there would appear to be other measures and strategies available, as set out within the FRA. Policy CS 3 requires a SuDS scheme as part of the critical infrastructure. The Council's position is that the only places that SuDS can be located is within the developable areas where the need to accommodate the detention basins would occupy 1.25 hectares. This would appear to be a worst-case scenario, since it would seem that much of the site could utilise/accommodate SuDS in the green areas without harm to the ancient woodland. The provision of SuDS in these areas would accord with Principle H3 of the SPD that encourages the use of SuDS systems within the site to promote biodiversity.

16.187. The Council was also critical of the size of the detention basins, but sufficient information has been submitted with the FRA to demonstrate that they would comply with the relevant guidance.

16.188. The Council is concerned that the topography of the site and wetland areas may impact on the construction of the SuDS features with resultant damage to the flora and landscape. Where the SuDS are to be located on sloping terrains, the Council consider that the excavations on the 'high' sides may need to be deeper. Although the valley sides are a distinctive feature of the site, they are not unduly steep. Therefore the excavation of drainage channels would be unlikely to result in significant differences between the 'high' side and the 'low' side. It would be a matter for detailed design to determine the precise alignment and how any difference in level between both sides of the channel is resolved. The appellants submitted a Construction Method Statement that included measures in relation to the SuDS.[281] The measures outlined include long-armed equipment, tracked vehicles and tracking mats. Such measures would be secured by the CEMP and should avoid significant harm to flora. [8.63].

Conclusion on Drainage

16.189. It is evident that further investigations in relation to groundwater levels are required and these can be secured by Condition. The construction effects of the SuDS features could be satisfactorily mitigated through compliance with a CEMP.

[281] ID52

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16.190. The submitted drainage strategies all have the potential to harm the ancient woodland, but I am satisfied that any harm to the Purple Moor Grass could be avoided, and harm to the Marshy Grassland adequately mitigated.

16.191. This is an allocated site within the existing Core Strategy and the Council have assessed the site in the context of the SPD. The layout, including the extent of the developable areas proposed by the appellant closely reflects those within the Sandleford SPD. The allocation is also carried forward into the Local Plan Review. Whilst in the emerging Local Plan Review the overall number of dwellings is reduced by comparison with the Core Strategy, I understand that this is a reflection of the number of dwellings proposed by the appeal application and the DNH application, rather than a capacity issue.

16.192. There have been previous applications in relation to the site as set out at section 2 of this Report and these have been accompanied by a FRA. Although application 18-00764/OUTMJ was disposed of by the Council[282], the LLFA at that time considered the proposals to be acceptable in principle.[283] Therefore this appeal has not been the first opportunity for the Council to consider the drainage of this site. I would therefore expect that if The Council considered that the site was not capable of delivering a SuDS scheme for the number of dwellings proposed that the number of dwellings for which the site is allocated would be significantly reduced in the emerging Local Plan Review. This is not the case.

16.193. Neither the development plan policies, nor the Sandleford SPD require the drainage strategy to be determined at this stage. The drainage strategy would clearly need to be determined at an early stage of the development process and would be informed by the further investigation work necessary in relation to the ancient woodlands and their buffers, as well as the groundwater surveys, in order to provide a robust SuDS. I therefore conclude that, on the basis of the available evidence, whilst the drainage strategies submitted to the Inquiry may adversely impact on the ancient woodland on the site, it would be possible to provide a SuDS scheme that would avoid such harm. It may be that such a scheme has implications for the layout of the development, but this is an outline application, and the layout is a reserved matter.

16.194. The submitted drainage strategies are unacceptable for the reasons given above. The delivery of SuDS is constrained by the ancient woodland and HPI on the site. Nonetheless, on the basis of the information submitted to the Inquiry, I am not persuaded that the Site constraints would preclude the delivery of a SuDS. I therefore conclude that the proposal would comply with Policy CS 3 and Policy CS 16.

Carbon Emissions and Renewable Energy

[282] the period for determination and appeal of the application has expired no decision has been made
[283] CD10.16 paragraph 3.4

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16.195. West Berkshire Council declared a Climate Emergency in 2019 with the strategic objective of achieving 'carbon neutrality' for both the Council and the District by 2030 and published an Environment Strategy.[284] [8.82]

16.196. The Strategic Objectives of the Core Strategy include '*To exceed national targets for carbon dioxide emissions reduction and deliver the District's growth in a way that helps to adapt to and mitigate the impacts of climate change*.'[285] Policy CS 15 of the Core Strategy requires that from 2016 onwards all development should achieve zero carbon. [286] In addition, Policy ADPP2 requires the new residential neighbourhoods at Sandleford to be well designed and built to high environmental standards. The development principles at Policy CS 14 also require development to seek to minimise carbon dioxide emissions through sustainable design and construction, energy efficiency, and the incorporation of renewable energy technology as appropriate and in accordance with Policy CS 15.

16.197. The parties differ as to the weight to be afforded to Policy CS 15. The Council considers that, with the exception of the first part of the policy relating to the Code for Sustainable Homes, the remainder of policy CS 15 carries full weight. The appellants disagree.[287]

16.198. In terms of carbon emissions, the most important policy is CS 15 which seeks to achieve zero carbon in new developments from 2016. The footnote to the policy explains that this is in line with stated Government aspirations, which may be subject to change. There have been a number of changes since the adoption of the Core Strategy.

16.199. The Planning and Energy Act 2008 was amended in 2015 to prevent local planning authorities from being able to exceed the minimum energy efficiency requirements of the Building Regulations, but this amendment has not been commenced. The WMS in 2015 advised that local planning authorities would continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015, but it was expected that these would not exceed the requirements of Code for Sustainable Homes 4. It was also proposed to set Building Regulations to be equivalent to Level 4 of the Code for Sustainable Homes, equivalent to a 19% improvement on the Building Regulations 2013 Part L standard. [7.54]

16.200. The Government's most recent aspirations are set out in *The Future Homes Standard: 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings - Summary of responses received and Government response.*

16.201. This sets out that energy efficient, low carbon homes would become the norm. It states that it is significantly cheaper and easier to install energy

[284] CD 17.21,CD 8.25
[285] CD 8.5 page 16
[286] CD 8.5 page 75
[287] CD 9.1 Paragraph 2.7

efficiency and low carbon heating measures when homes are built, rather than retrofitting them afterwards. The Government's response confirms that, at present, local planning authorities may include policies in their local plans which require developers to comply with energy efficiency standards for new homes that exceed the minimum requirements of the Building Regulations and the Code for Sustainable Homes. It states that, in order to provide some certainty in the immediate term, the Government would not amend the Planning and Energy Act 2008, which means that local planning authorities would retain powers to set local energy efficiency standards for new homes.

16.202. It is expected that homes built to the Future Homes Standard should produce 75-80% less CO_2 emissions than one built to current requirements. Homes built under the Future Homes Standard would be 'zero carbon ready', which means that in the longer term, no further retrofit work for energy efficiency would be necessary to enable them to become zero-carbon homes as the electricity grid continues to decarbonise.

16.203. The Government launched the UK Net Zero Strategy in October 2021 which sets out how the commitment to reach net zero emissions by 2050 would be delivered. I consider that the Government's aspirations have moved on since the WMS and there can be little doubt that the Government has an aspiration to move toward zero carbon homes. Paragraph 152 of the current Framework states that the planning system should support the transition to a low carbon future in a changing climate and should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions.

16.204. I note the appellants' proposal for a fabric first approach to reduce carbon emissions and the proposals to use low and zero carbon energy sources. These measures will contribute towards a zero carbon development. However, as acknowledged by all parties, the proposed development is likely to take many years to complete, consequently, it should be aiming for the highest possible standards in terms of energy efficiency. Since local planning authorities still have the power to set their own standards, I consider that the WMS does not justify a decision other than in accordance with the development plan. For this reason, I consider the Council's suggested condition that requires a low carbon or zero carbon energy scheme to be preferable. [7.55]

16.205. I have also had regard to the SoS Swale Decision. The SoS agreed with the appellant that there was no existing or emerging Local Plan policy base for a condition that required a 50% reduction compared to the target emission rate as required under Part L of the Building Regulations. He found that the suggested condition went beyond current and emerging national policy and therefore was neither reasonable or necessary.[288][8.83]

16.206. This decision differs from the Swale case in that there is an existing policy requiring a zero carbon reduction in emissions and a policy in the emerging Local Plan Review requiring all development should contribute to West Berkshire becoming and staying carbon neutral by 2030.[289]

[288] ID7 Paragraph 11
[289] CD8.13 Policy SP5

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16.207. I note the appellants' evidence that the Council has applied Policy CS15 inconsistently in relation to major new development. Whilst the reasons for this are unclear, the appeal proposal represents one of the largest schemes within the District, and therefore the consequences of failing to impose a low or zero carbon condition would undermine the Council's efforts in relation to climate change as well as the plan-led system.[8.84]

16.208. Paragraph 157 of the Framework states that new development should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

16.209. Councillor Abbs on behalf of NTC and GPC was critical of the failure of the proposed development to optimise passive solar gain. His assessment was based on a previous layout, and although it indicated that solar gain was not optimised, this appeal relates to an outline application. Therefore the roof form, street arrangement and relationship of the dwellings to the topography are all matters to be addressed at the reserved matters stage and could contribute to passive solar design. Such an approach would be consistent with paragraph 154 of the Framework which states that new development should be planned in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design. As agreed at the Inquiry this is a matter that can be addressed by way of conditions.

Air Quality

16.210. The Council and appellants agree that the air quality impacts from construction activities can be satisfactorily mitigated by measures included in a Construction Environment Management Plan. For the reasons set out above, the Council no longer pursues reason for refusal 12 in relation to the impact on potential significant effects on European Designated Special Areas of Conservation (SAC). [1.15,7.57]

16.211. Notwithstanding this SNTS is concerned about the effects of air pollution on the ancient woodland, as well as on children and young people. It has concerns in respect of the location of the proposed access roads and their proximity to local primary schools. [11.11,11.12]

16.212. Paragraph 105 of the Framework states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

16.213. The potential air quality impacts of the proposed development on ecological sites and the ancient woodland have been assessed and found to be negligible. Natural England confirmed that they agreed with the conclusions of the Habitats Regulation Assessment. No evidence was submitted to the Inquiry to suggest that the conclusions were not robust. [7.48,7.49]

16.214. The legally binding, mandatory limit values for Air Quality set by the European Union (EU) have been transposed into UK law under the Air Quality Standards Regulations 2010 (AQS). The same criteria are used for both the EU limit values and the AQS objective in respect of nitrogen dioxide (NO_2) and particulate matter (PM_{10} and $PM_{2.5}$).

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16.215. For NO_2 annual mean concentrations should not exceed 40 µg/m^3, whilst the 1-hour mean concentration should not exceed 200 µg/m_3 more than 18 times a year. For PM_{10} the annual mean concentration should not exceed 40 µg/m^3 and the 24-hour mean concentration should not exceed 50 µg/m^3 more than 35 times a year. For $PM_{2.5}$ the annual mean concentration should not exceed 25µg/m_3.

16.216. During the construction phase, in the absence of any mitigation measures, dust emissions have the potential to be 'high' at some worst-affected receptors. However, the ES proposes site-specific mitigation measures, including a dust management plan, the use of screens and barriers and keeping dust causing activities away from receptors as far as possible. With these measures in place it is anticipated that the risk of adverse effects due to emissions from the construction phase would not be significant.

16.217. During the occupation phase the modelling results indicate that, in all locations by 2031, there would be a minimal difference in NO_2 emissions with and without the development. Air quality at all receptors is expected to improve, even without the development. Both along Monks Lane and within the Site the concentrations are below 13 µg/m^3 with or without the development. This would be a reduction from the 2018 baseline of 14.48 µg/m^3 and would be substantially below the AQO figure and are therefore classified as negligible.

16.218. As acknowledged by the appellants, the stop-start nature of rush hour traffic would result in a higher reading at some times of the day. Notwithstanding this, the level of emissions would remain considerably below the relevant threshold, and the proposed development would make a negligible difference to PM_{10} and $PM_{2.5}$ levels. Both would remain considerably below the threshold at 13.85 µg/m^3 and 9.6 µg/m^3 respectively.

16.219. The proposed development is also designed to maximise opportunities for walking and cycling. The measures include an on-site local centre and primary school to reduce vehicle trips, sustainable transport links with the local area and the implementation of a Travel Plan. Together these measures would help to reduce the number of trips by cars and contribute to air quality improvements.

16.220. I therefore conclude that the proposal is acceptable in terms of the effect of the development on air quality.

Single Application

16.221. Policy GS1 of the HSAP DPD and Development Principle S1 of the Sandleford SPD require a single planning application for the SSSA. The justification for this is to achieve a comprehensive development that ensures the timely and coordinated provision of infrastructure, services, open space and facilities. In addition, the Sandleford SPD states that a single application would also enable the development to be properly assessed as a whole to ensure that it achieves the vision and objectives for the site. [8.101]

16.222. The emerging Local Plan Review does not carry this requirement forward. Policy SP 16 sets out a clear intention to delete Policy GS1 and remove the requirement for a single application on this Site, but it

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nonetheless makes it clear that the Site must be delivered to achieve comprehensive development and ensure the timely and co-ordinated provision of infrastructure.

16.223. The Council submit that this matter carries little weight due to the early stage of the plan. I agree that the weight to be afforded to Policy SP16 of the emerging plan is not comparable with the development plan policies, however it is a material consideration since it indicates the Council's intended direction of travel in relation to the SSSA.

16.224. The requirements of the Sandleford SPD relate to the entire site, whereas the appeal proposal occupies 114 hectares out of an allocation of 120 hectares.[290] A MOU between the appellants and DNH was submitted. DNH also submitted a letter to the Inquiry confirming that, together with the appeal scheme and the extant planning permission for Warren Road, the DNH submission forms a comprehensive proposal for the entire SSSA.[291] I agree with the Council that the MOU is not binding. Nevertheless, there are planning applications for both parts of the allocation. The combined plans show how both sites could be developed.[292] The layout, design, access, woodland and arboricultural impacts are all matters that can be controlled by the Council as part of its assessment of the DNH site. The mechanism of a Design Code would allow for the physical and visual integration of both sites.

16.225. The Council submit that due to the failure to submit a single application for the entire allocation the proposal would not maximise the delivery of housing; provide the cycle, bus and all vehicle link to Andover Road, deliver a single community with two neighbourhoods or ensure that infrastructure would keep pace with development. The Council states that it is therefore ready to pursue Compulsory Purchase of the allocation. [8.107, 8.109]

16.226. The Council is concerned that DNH may not provide the connection through the appeal site. The MoU between the appellants and DNH sets out that the appellants will construct the main access road to the boundary of Sandleford Park West within six years of the commencement of development and that DNH will construct the main access Road to the boundary of Sandleford Park within six years of the commencement of development at Sandleford Park West. In any case this could be secured by way of planning conditions or a UU. As agreed by the Council, the vehicular, pedestrian and cycle links provided by the proposed development are acceptable. The Council's approach to a single application assumes that an all-vehicle link would be provided along Warren Road to Andover Road, and for the reasons set out above, and in the Council's Closing submissions, there is no certainty that such a link would be found to be acceptable.[8.102]

16.227. The Council state that should planning permission be granted for the appeal scheme, there is no mechanism to ensure that the remainder of the allocation would be delivered, and as such, housing delivery would not be maximised. Whilst I agree that there is no mechanism to ensure that the DNH site would be delivered, no evidence was submitted to indicate how granting

[290] ID82 paragraph 7
[291] CD 1.16 & ID9
[292] CD 1.27 – CD 1.30

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planning permission for the appeal scheme would in any way limit the delivery of housing on the DNH site in accordance with the Sandleford DPD.

16.228. The all-vehicle Warren Road link has been discussed above and there is no certainty that it can be provided. Notwithstanding this, the Council agree that the proposal makes satisfactory provision for access and does not preclude DNH from providing an access to Warren Road should this be considered to be acceptable.

16.229. The proposal would provide the infrastructure necessary for a single neighbourhood. The community facilities and the Local Centre would serve both parts of the allocation. The delivery of infrastructure, in terms of highway mitigation, education, sports facilities, bus service, public open space and the local centre are all secured by either the UU or suggested planning conditions and timed to come forward at the appropriate point.

16.230. The Council consider that, had a single application been submitted, then the Central Valley Crossing would not require the second bridge deck. As explained above, this view is predicated on the assumption that there would be a vehicular access to Warren Road, and no evidence has been submitted to indicate that this would be the case. Moreover, as previously discussed, the separation of vehicular and pedestrian traffic may have benefits in terms of encouraging sustainable travel.

16.231. NTC and GPC are concerned that the site coming forward as two separate applications may have implications for the way in which infrastructure costs are apportioned. The appeal scheme makes provision for all of the infrastructure required for the proposed development. Whilst some of the infrastructure to be provided, such as the highway mitigation, is also necessary for the DNH site, the UU includes a mechanism by which the appellants can re-coup an appropriate share from DNH. This would ensure that all of the necessary mitigation is in place at the time it is needed. [9.11]

16.232. SNTS consider that, if the allocation were to be developed as a single entity, the two -form entry school could be provided on the DNH site and help to link the two parts of neighbourhood B, allowing the two-form entry Primary School on the appeal Site to become a single-form entry school serving a smaller area of 500 dwellings. There is some merit in this approach, but it is not a position adopted by the Council or the Education Authority. Moreover, there is no evidence to suggest that, if there were a single application, the current arrangements in relation to the Primary Schools would change, but I do accept that it is a matter that could be considered. [11.10, 11.11]

16.233. The Council state that in the absence of a single application it is ready to pursue a Compulsory Purchase Order (CPO) in respect of the SSSA. This point was made during Mr Grigoropolous's Evidence in Chief but there is no substantive evidence to support it. It would be open to the Council to pursue such a course of action. In my experience the CPO process can often be lengthy. Amongst other matters the Council would need to show that it has a clear idea as to how it would use the land. In the light of its reservations regarding the appeal scheme this would involve considerable work including the preparation of a drainage scheme, mitigation in relation to the ancient woodland and biodiversity and access arrangements. It would also need to show that it had funding arrangements in place to implement the scheme.

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Unless uncontested there would need to be a further Inquiry, the outcome of which would be uncertain. No evidence was submitted by the Council to indicate that it has resolved to issue a CPO in respect of the SSSA, or has committed resources to developing a scheme and pursuing a CPO. I therefore accord little weight to this matter. Were the Council to pursue this option and the CPO be confirmed, it would be likely to delay the development of the Site and the delivery of housing considerably.

Benefits

16.234. The proposal would deliver 1,080 homes. The dwellings would be predominantly family dwellings. Whilst it is agreed that the Council currently has in excess of a 5 year housing land supply the purpose of the allocation is to meet the future housing needs of the District. The emerging Local Plan confirms that it remains the firm belief of the Council that Sandleford Park is the most appropriate location for strategic housing delivery in Newbury. Large sites such as this usually take considerable time to deliver the first dwellings due to the need to deliver significant infrastructure early in the development process. Therefore whilst the proposal may not make a significant contribution to the five year housing land supply it would assist with meeting the housing needs of the District going forward.

16.235. The proposal would also deliver 40% of the dwellings as affordable dwellings and these would include the Extra Care units for which there is an identified need. These dwellings would assist with meeting the need for affordable housing in the District. Whilst the parties disagree as to the extent of the affordable housing need, it is acknowledged by the Council to be high. I therefore give significant weight to the delivery of affordable housing, including the extra care units. [8.107]

16.236. The proposal would also deliver a Country Park that would be a benefit for residents of Newbury as well as future residents on the appeal site. The additional woodland planting in the vicinity of Waterleaze Copse would be a further benefit of the proposal. I afford moderate weight to these matters.

16.237. The appellants suggest that the public transport provision would be a further benefit of the proposal. I attach limited weight to this matter since the bus service is required to meet the sustainable transport requirement of the Core Strategy and Sandleford SPD.

16.238. The provision of the expansion land for Park House School would be a benefit of the proposal. The expansion of the School is required, not only to meet the educational needs arising from the proposed development, but also to accommodate the educational needs arising from the DNH site and some existing demand within the District. I give moderate weight to this benefit.

16.239. The appeal scheme would also provide economic benefits during both the construction phase and the operational phase. The employment opportunities arising from construction would extend over a period of 10 years. Permanent employment would be created at both schools and the local centre. The proposal would also increase expenditure in the local area. I give significant weight to these economic benefits.

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16.240. The proposed off-site highway improvements are required to mitigate the effect of the proposed development on the local highway network. Whilst the introduction of traffic signals is necessary to mitigate the effect of the proposed development on the local highway network, these measures would also enable the local highway network to operate more efficiently and facilitate the delivery of the DNH site. I therefore afford moderate weight to this benefit.

16.241. The proposal would safeguard the ancient woodland on the site and the management proposals in relation to the ancient woodland would be a benefit of the proposal. I recognise that this benefit must be weighed against any harm arising from the increased recreational use of the Country Park and the ancient Woodlands but nevertheless I consider the proposal to be an overall benefit in this regard.

Other Matters

16.242. A small area of DPN1 lies outside of the settlement boundary for Newbury. Given the extent of the land involved and that the site is an allocated site, I do not consider that this matter weighs against the proposal. Should the SoS disagree, suggested condition 66 would provide an appropriate mechanism to ensure that this area remained outside of the development footprint.

16.243. SNTS consider the site to be unsuited to residential development. The proposal must be considered primarily in the context of currently adopted policy. This is an allocated site within the statutory development plan and has been so for many years. It remains a strategic allocation in the emerging Local Plan and any concerns in relation to the suitability of the Site would need to be considered in the context of the Local Plan examination. For the purposes of this appeal, the Council confirms that it does not object to the principle of development and I have considered the appeal accordingly. [11.1]

16.244. The Council identify a number of inconsistencies between the submitted plans, the Planning Statement and the ES. A number of these matters were resolved or superseded by changes/clarifications at the Inquiry. Many relate to points of detail in relation to matters that would need to be considered as part of the reserved matters. Overall, I do not consider the various inconsistencies noted by the Council to have implications for my conclusions above. [1.18, 8.114]

Planning Balance

16.245. The Planning and Compulsory Purchase Act 2004, s38(6)) requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal complies with the Core Strategy with the exception of the provision of a bus link and a cycle link to Warren Road.

16.246. I have found the absence of the Warren Road link to be acceptable in highway terms, and the Council agrees that the proposed development does not require a vehicular access to be constructed onto Warren Road / Andover Road and would provide a good quality bus service. Moreover, it remains uncertain whether a Warren Road link can be delivered and if so, the extent of any harm arising from it could be mitigated. Due to the failure to provide the

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Warren Road link an emergency access has been provided across the Central Valley, parallel to the main crossing. The provision of two bridge decks does not make a significant difference to the width of the crossing or its effect on the landscape, trees or biodiversity. [6.24]

16.247. The absence of the Warren Road link underpins many of the Council's objections to the proposed development. However, there is considerable local opposition to a Warren Road link, including from NTC and GPC, and no persuasive evidence was submitted to show that significant harm to landscape, residential amenity, trees and biodiversity could be avoided. I therefore find overall the absence of the Warren Road link to be acceptable.

16.248. The Sandelford SPD is a material consideration of significant weight in this appeal. Amongst other matters it requires a single planning application for the entire site. This is not a requirement of the Core Strategy or the emerging Local Plan. The proposal would deliver the necessary infrastructure in a timely manner and would not prejudice the development of the adjoining DNH site. I do not find that the failure to provide a single application for the entire allocation gives rise to any significant harm.

16.249. The proposal departs from the Sandleford SPD in a number of respects. The most significant of these are the omission of a link to Warren Road and the inclusion of the Crooks Copse link.

16.250. The Crooks Copse link would introduce an additional road close to the Crookes Copse ancient woodland. It would give rise to landscape harm and potentially biodiversity harm. Such harm could be minimised through the sensitive design of this crossing. Notwithstanding this, the crossing is a requirement of the Highway Authority and the absence of such a link was a reason for refusal at the time of a previous application. Therefore the provision of this link does not weigh against the proposed development.

16.251. The proposal closely adheres to the masterplan within the Sandleford SPD. There would be landscape harm arising from the development, but this is an inevitable consequence of the allocation and there would be no harm to the setting of the Grade I Sandleford Priory and the Grade II registered Park and Garden.

16.252. I have found that, subject to the provision of appropriate buffers and a management plan, there would be no harm to the ancient woodland or veteran trees on the site. There would be harm to biodiversity, much of which would be mitigated and there would be no harm to the HPI. There is also potential for the SuDS features to enhance biodiversity on the site. Overall the proposed development would deliver a significant BNG.

16.253. The submitted illustrative drainage proposals would potentially harm the ancient woodland, but this is an outline application and, on the basis of the evidence submitted to the Inquiry, I am satisfied that an acceptable drainage solution can be achieved without harm to the ancient woodlands or significant harm to the landscape or biodiversity.

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16.254. The proposal would have a negligible effect on air quality. Carbon emissions and the scope to maximise passive solar design can be addressed at the reserved matters stage and can be secured by an appropriate condition.

16.255. The harm above must be assessed in the context of this being the major part of an allocated site for 2000 dwellings. The delivery of this number of dwellings and associated infrastructure would inevitably cause some harm. This must be balanced against the benefits of the proposal, including the provision of market and affordable housing, as well as the Country Park. Whilst the housing provision is not required to meet the immediate housing needs of the District, it is however required to meet the longer-term planned housing requirements of the District.

16.256. Paragraph 11c) of the Framework states that development proposals that accord with an up-to-date development plan should be approved without delay. I have found above that the proposal complies with the development plan as a whole and there are no material considerations that justify a decision other than in accordance with the development plan.

17. Recommendation

17.1 I recommend that the application should be approved, and planning permission granted subject to the attached Schedule of conditions and the planning obligations in the Unilateral Undertaking with the exception of paragraph 3 as well as Part 3 and Part 4 of Schedule 2, and Part 1, Part 2 and Part 3 of Schedule 3.

Lesley Coffey
PLANNING INSPECTOR

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Appendix A Appearances

FOR THE APPELLANT:

Christopher Katkowski QC of Counsel

He called:

Owen Jones BA Hons Dip TP MSc MRTPI	Director of LRM Planning Limited
Julian Cooper BSc Hons Dip LD FLI AIALA	Cooper Landscape Planning.net
David Bird	Director of Vectos, Transport Consultants
Chris Alder MSc HNDArb FArborA MICFor RCArborA	Associate Director Barrell Tree Consultancy
David West MENV SCI (HONS) CENV MCIEEM	Ecologist Tetra Tech
Lee Witts BEng (Hons)	Drainage Brookbanks
Chris Garratt BSc (Hons), MA, MSc, MRTPI, PIEMA	Renewable Energy White Peaks Planning
Andrew Williams BA (Hons) DipLA DipUD CMLI	Define Town Planning, Urban Design and Landscape Architecture
Nigel Mann MSc	Air Quality Tetra Tech
James Hinde BA (Hons) Arch, Grad Dip Arch, RIBA, ARB	Educational Need IDP Central Limited

FOR WEST BERKSHIRE COUNCIL:

Emmeline Lambert of Counsel

She called:

Nikolaos Grigoropoulos BSc (Hons) MA MRTPI	Planning Officer West Berkshire Council
Mark Flatman CMLI, Dip LA, BA (Hons)	Director Liz Lake Associates Landscape Architects
Paul Goddard B.Eng. (Hons)	Highways Witness West Berkshire Council
Andrew Giles HND Lowland Forestry Management	Trees and Woodland West Berkshire Council
Susan Deakin BSc MSc CMLI	Liz Lake Ecologist
Jon Bowden	Drainage West Berkshire Council
Vincent Haines BA(Hons), Dip. DBE, DMS, MRTPI	Educational Need West Berkshire Council
Lynn Robinson	Affordable Housing West Berkshire Council

FOR NEWBURY TOWN COUNCIL AND GREENHAM PARISH COUNCIL:

Councillor Roger Hunneman	Newbury Town Council
Councillor Dr Tony Vickers	Greenham Parish Council
Councillor Chris Foster	Ancient Woodland
Councillor Adrian Abbs	Renewable Energy

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FOR SAY NO TO SANDLEFORD (SNTS):

Peter Norman

OTHER PARTIES APPEARING AT THE INQUIRY

Bettina Kirkham	Berkshire Gardens Trust
Louise Medland	Berks, Bucks & Oxon Wildlife Trust (BBOWT)
Patrick Allison	Local Resident
Nicholas Kennedy	Interested Party

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Appendix B Documents submitted during the Inquiry

ID1	Appellants' Opening Statement
ID2	Rule 6 – SNTS Opening Statement
ID3	Rule 6 – NTC Opening Statement
ID4	Rule 6 – GPC Opening Statement
ID5	WBC Opening Statement
ID6	Sandleford Concept Plan – Appendix C of the West Berkshire Core Strategy (2006-2026)
ID7	Appeal Decision (ref: APP/V2255/W/19/3233606) Land at South-West Sittingbourne/Wises Lane, Sittingbourne Application Ref: 17/505711/HYBRID
ID8	Amended West Berkshire Annual Monitoring Report 2020 (AMR) published 5 May 2021
ID9	Letter from Donnington New Homes (DNH) dated 4th May 2021
ID10	Letter from Newbury Rugby Club dated 4th May 2021
ID11	Highways and Transport SoCG v7
ID12	Highways and Transport SoCG Appendices v7
ID13	Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) Statement
ID14	Correspondence from Newbury Rugby Club (David Jones) to SNTS (Peter Norman)
ID15	Berkshire Gardens Trust Statement (Bettina Kirkham)
ID16	Apparent Incursion into 15m Buffer Zones Plan
ID17	Veteran Tree Locations Plan
ID18	Existing Hedge Linkage Plan
ID19	Proposed Hedge Linkage Plan
ID20	Park House School Expansion Land Statement of Common Ground with Sports Pitch Plan (drawing number BG-SP-001)
ID21	Drainage Statement of Common Ground
ID22	Appellants' response to Drainage Statement of Common Ground
ID23	The Biodiversity Metric 2.0 – User Guide (Natural England, 2019)
ID24	Arboriculture Statement of Common Ground

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ID25	Appellants' Additional Conditions
ID26	Errata sheet for Andrew Giles (Trees) Rebuttal to Appellants' proof of Evidence
ID27	Impacts on Ancient Woodlands and Veteran Trees within the Appellants' CEZ
ID28	Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
ID29	CIEEM Advice Note On the Lifespan of Ecological Reports and Surveys (2019)
ID30	and Responsibility
ID31	Illustrative representation of woodland edge, canopy edge, root protection area and ancient woodland buffer zone
ID32	Appellants' Proposed Affordable Housing Statement of Common Ground
ID33	Council's Comments on Appellants' Proposed Affordable Housing Statement of Common Ground
ID34	18/02485/OUTMAJ Land North Of Dauntless Road and South Of Pondhouse Farm – Decision Notice
ID35	18/02485/OUTMAJ Land North Of Dauntless Road and South Of Pondhouse Farm – Committee Report
ID36	18/02485/OUTMAJ Land North Of Dauntless Road and South Of Pondhouse Farm – Masterplan (drawing number 6027B/03C)
ID37	Appellants' Green Infrastructure Parameter Plan (14.273 PP03 Rev G1) with buffer measurements
ID38	18/02485/OUTMAJ Natural England response 2/10/19
ID39	18/02485/OUTMAJ Tree Officer response 9/9/19
ID40	WBC Adult Social Care Market Position Statement 2020-2023 (Front Cover and Pages 15-19)
ID41	Email exchange between Appellant and Council (13/14 May 2021) regarding Areas of Dispute in Affordable Housing SoCG
ID42	Evidence in Chief Presentation – Andrew Williams
ID43	Draft Suggested Conditions LPA and Appellants v8 17.05.21
ID44	Email from Louise Medland (BBOWT) 13/5/21 re: Purple Moor Grass and LWS
ID45	Email from Nicholas White (Natural England) 4/5/21 re: BNG and Ancient Woodland

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ID46	Additional Information on Primary Education Infrastructure
ID47	Appellants' Clarification Note for Inquiry – Air Quality (APP/25A)
ID48	Appellants' Clarification Note for Inquiry – Footpaths
ID49	Addendum to Julian Cooper's Evidence (Landscape)
ID50	Appellants' Note for Inquiry – Biodiversity Net Gain
ID51	Appellants' Revised Biodiversity Net Gain Assessment v.3
ID52	Appellants' Construction Method Statement May 2021 with Appendices
ID53	WBC Response to Note for Inquiry– Biodiversity Net Gain and Revised BNG Assessment (v.3)
ID54	WBC Note for Inquiry - North East Thatcham Site Allocation
ID55	The England Trees Action Plan 2021-2024
ID56	Final Affordable Housing Statement of Common Ground
ID57	Local Highway Authority response to application 20/03041/FUL
ID58	WBC Note for Inquiry – Purple Moor Grass and Rush Pastures HPI
ID59	Draft Suggested Conditions LPA and Appellants v10 24.05.21
ID60	Extract of Delegated report for application 16/03309/OUTMAJ
ID61	Appellants' Note for Inquiry – Valley Crossing Construction Corridor
ID62	Appellants' Note for Inquiry – Purple Moor Grass and Rush Pastures HPI
ID63	Rule 6 Comments in respect of Planning Conditions and Unilateral Undertaking – Cllr. Dr. Tony Vickers
ID64	The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 No. 757
ID65	Community Sport Provision
ID66	Draft Section 106 Unilateral Undertaking Summary 25.5.21
ID67	Draft Section 106 Unilateral Undertaking 25.5.21
ID68	Draft Section 106 Unilateral Undertaking 25.5.21 – Appendices
ID69	2nd Addendum to Julian Cooper's Evidence (Landscape)
ID70	WBC response to 2nd Addendum to Julian Cooper's Evidence (Landscape)
ID71	BBOWT's case for S106 direct mitigation for impact of Sandleford Park development
ID72	Draft Section 106 Unilateral Undertaking 25.5.21 with Council comments

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ID73	Draft Section 106 Unilateral Undertaking 25.5.21 – Appendix 10 with Council comments
ID74	WBC response to Appellant's Note for Inquiry – Valley Crossing Construction Corridor
ID75	Reference point on Question to Mr Jones – Email from Peter Norman (SNTS)
ID76	Note on pre-commencement conditions for outline applications WBC
ID77	Note on CIL Governance Statement WBC
ID78	Rule 6 Closing Statement - Tony Vickers (GPC)
ID79	Rule 6 Closing Statement - Roger Hunneman (NTC)
ID80	Rule 6 Closing Statement - Peter Norman (SNTS)
ID81	WBC Closing Statement
ID82	Appellants' Closing Statement

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Appendix C

Documents submitted following close of the Inquiry

P/ID 1	Inspector's comment on draft conditions
P/ID 2	Appellant's comments on Inspector's suggested conditions
P/ID 3	Appellant's comments on Cllr Vickers' suggested conditions
P/ID 4	WBC comments on draft conditions
P/ID 5	WBC comments on Cllr Vickers' suggested conditions
P/ID 6	Comments on draft conditions Peter Norman (SNTS)
P/ID 7	Draft UU dated 25.5.21
P/ID 8	Email from WBC dated 30 June 2021 regarding UU
P/ID 9	Email from WBC dated 9 July 2021 regarding UU
P/ID 10	WBC comments on draft UU
P/ID 11	Comments on the draft Unilateral Undertaking Peter Norman (SNTS)
P/ID 12	NTC/GPC Comments on Draft UU
P/ID 13	Appellant's response to WBC and Rule 6 parties comments on UU
P/ID 14	Executed UU dated submitted by the appellant
P/ID 15	UU explanatory note submitted by the appellant
P/ID 16	UU errata sheet dated 16 July 2021 submitted by the appellant
P/ID 17	Appellant's comments on revised National Planning Policy Framework
P/ID 18	WBC comments on revised National Planning Policy Framework
P/ID 19	SNTS comments on revised National Planning Policy Framework

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Appendix D Core documents

Ref	Document description
CD1	**Planning application documents**
1.1	Covering letter
1.2	Application form and certificates
1.3	Planning Statement
1.4	Affordable Housing Statement
1.5	Transport Assessment (incl. Travel Plan)
1.6	Environmental Statement Non-Technical Summary
1.7	Environmental Statement Main Text (Vol 1) (see documents in section CD20)
1.8	Environmental Statement A3 Figures (Vol 2) (Redacted) (see documents in section CD21)
1.9	Environmental Statement Appendices (Vol 3) (Redacted) (see documents in section CD22)
1.10	Design and Access Statement
1.11	Statement of Community Involvement
1.12	Draft Planning Conditions
1.13	Energy and Sustainability Statement
1.14	Draft S106 Agreement
1.15	Response to Reasons for Refusal 16/03309/OUTMAJ
1.16	Memorandum of Understanding May 2020
1.17	Application Boundary (red line/site plan) (14.273 PP01 Rev B)
1.18	Land Use and Access Parameter Plan (14.273 PP02 Rev H1)
1.19	Green Infrastructure Parameter Plan (14.273 PP03 Rev G1)
1.20	Building Heights Parameter Plan (14.273 PP03 Rev G1)
1.21	Strategic Landscape and Green Infrastructure Plan (04627.00005.16.632.13)
1.22	Country Park Phasing Plan (04627.000065.16.306.15)
1.23	Parcelisation Plan (04627.000065.16.306.15)
1.24	Main Access Road Plan (14.273 298)
1.25	Monks Lane Access (east) (172985_A_07.1)
1.26	Monks Lane Access (west) (172985_A_08)
1.27	Combined Land Use and Access Parameter Plan (14.273 PP02 Rev I)
1.28	Combined Green Infrastructure Parameter Plan (14.273 PP03 Rev H)
1.29	Combined Building Heights Parameter Plan (14.273 PP04 Rev H)
1.30	Combined Strategic Landscape and Green Infrastructure Plan (04627.00005.16.632.14)
1.31	Illustrative Masterplan (14.273 171)
CD2	**Consultation responses**
2.1	Adult Social Care response to application 27/7/20
2.2	Lead Local Flood Authority (LLFA) response to application 14/9/20
2.3	Landscape Consultant response to application 15/9/20
2.4	Landscape Consultant response to 'Wheatcroft' proposals 2/3/21
2.5	Archaeology response to application 4/8/20
2.6	Berkshire, Buckinghamshire, Oxfordshire Wildlife Trusts (BBOWT) response to application 24/7/20
2.7	Berkshire, Buckinghamshire, Oxfordshire Wildlife Trusts (BBOWT) further response to application 4/8/20
2.8	Basingstoke and Deane response to application 15/7/20
2.9	Berkshire Gardens Trust response to application 22/7/20
2.10	Berkshire Gardens Trust additional comments to application 26/8/20
2.11	Binfield Badger Group response to application 11/8/20 (Redacted)
2.12	Canal & Rivers Trust response to application 29/6/20
2.13	Conservation and Design Officer response to application 15/7/20
2.14	Ecologist response to application 16/9/20 (Redacted)

For Secretary of States

2.15	Economic Development Manager response to application 14/7/20
2.16	Education Service response to application 31/7/20
2.17	Environment Agency response to application 4/8/20
2.18	Environmental Health response to application 25/6/20
2.19	Forestry Commission response to application 21/8/20
2.20	Greenham Parish Council response to application 14/8/20
2.21	Hampshire Country Council response to application 31/7/20
2.22	Highways Officer response to application 8/9/20
2.23	Transport Policy Officer response to application 16/9/20
2.24	Tree Officer response to application 16/9/20
2.25	Waste Management Service response to application 25/6/20
2.26	Highways England response to application 4/9/20
2.27	Highways England further response to application 30/10/20 (post decision)
2.28	Historic England response to application 7/7/20
2.29	Housing Service response to application 5/8/20
2.30	Mineral and Waste Service response to application 26/6/20
2.31	Ministry of Defence response to application 14/7/20
2.32	Natural England response to application 20/7/20
2.33	Natural England further response to application 4/9/20
2.34	Natural England further response to application 16/11/20 (post decision)
2.35	Newbury Town Council response to application 7/7/20
2.36	Newbury Town Council response to application 11/8/20
2.37	Planning Policy response to application 17/09/20
2.38	Public Rights of Way Officer response to application 7/9/20
2.39	Public Rights of Way Officer attachment to response to application 7/9/20
2.40	Ramblers' Association response to application 29/7/20
2.41	Royal Berkshire Fire and Rescue Service response to application 10/7/20
2.42	SPOKES response to application 19/8/20 part 1
2.43	SPOKES response to application 19/8/20 part 2
2.44	SPOKES response to application 19/8/20 part 3
2.45	Sport England 1st response to application 2/7/20
2.46	Sport England 2nd response to application 7/7/20
2.47	Thames Valley Police response to application 23/7/20
2.48	Thames Water 1st response to application 10/7/20
2.49	Thames Water 2nd response to application 10/7/20
2.50	The Woodland Trust 1st response to application 31/7/20
2.51	The Woodland Trust 2nd response to application 14/9/20
CD3	**Application correspondence**
3.1	Email correspondence between Council and Applicants' agent during application (2 July to 29 September 2020)
3.2	Email from Applicants' agent - Notification of intention to appeal against non-determination by Inquiry
3.3	Notification of intention to appeal against non-determination by Inquiry
CD4	**Application decision**
4.1	Officers' report 13th October 2020
4.2	Decision notice 30th October 2020
CD5	**Statements of Case**
5.1	Appellants' Statement of Case
5.2	Council Statement of Case
5.2.1	Council Statement of Case Appendix SoC1 (see Core Document CD4.1)
5.3	Newbury Town Council/Greenham Parish Council Statement of Case
5.3.1	Newbury Town Council/Greenham Parish Council Appendix 1 – Warren Road Junction Distance to Community Facilities

Not to scale

5.3.2	Newbury Town Council/Greenham Parish Council Appendix 2 – A339, Pinchington Lane, Monks Lane Junction
5.3.3	Newbury Town Council/Greenham Parish Council Appendix 3 – Ancient Woodland Buffer Zones
5.3.4	Newbury Town Council/Greenham Parish Council Appendix 4 – Variation in Woodland Buffer Width Specified by LPAs
5.3.5	Newbury Town Council/Greenham Parish Council Appendix 5 – Housing Alignment and Solar Energy
5.4	'Say no to Sandleford' Statement of Case
CD6	**Wheatcroft Documents**
6.1	LPA/Appellants Joint Statement on Wheatcroft Consultation
6.2	Appellants Response to Consultees' Comments on the (refused) planning application (20/01238/OUTMAJ) (inc Appendices) (Sept 2020)
6.3	Valley Crossing Study (Appendix 4 of Appellants' SoC)
6.4	Alternative Playing Pitch Scheme (Appendix 5 of Appellants' SoC)
6.5	Arboricultural Impact Assessment (Oct 2020)
6.6	Appellants' Wheatcroft Statement with Appendices 2/3/21 (redacted)
CD7	**S.106 Planning Obligation / Planning Conditions**
7.1	Draft Unilateral Undertaking submitted 21st April 2021
7.2	Explanatory Note to accompany Draft Unilateral Undertaking
7.3	CIL Compliance Statement
7.4	Draft Planning Conditions submitted 21st April 2021
CD8	**Policy / guidance documents**
National Policy	
8.1	National Planning Policy Framework (2019)
8.2	Planning Practice Guidance
8.3	National Planning Policy Framework (2012)
8.4	National Design Guide
Development Plan	
8.5	West Berkshire Core Strategy (2006-2026) adopted 2012
8.6	West Berkshire Housing Site Allocations DPD (2006-2026) adopted 2017
8.7	West Berkshire Local Plan 2005 (Saved Policies 2007 as updated 2012 and 2017))
8.8	Replacement Minerals Local Plan for Berkshire
8.9	Waste Local Plan for Berkshire
8.10	Core Strategy Inspector's Report
Emerging Documents	
8.11	National Planning Policy Framework (draft text for consultation) 2021
8.12	National Model Design Code January (2021)
8.13	West Berkshire Local Plan Review: Emerging Draft (2020-2037) Regulation 18 December 2020
Other Policy / Guidance Documents	
8.14	WBC Sandleford Park SPD (2015)
8.15	WBC Planning Obligations SPD (2015)
8.16	WBC Sustainable Urban Drainage Systems (2018)
8.17	WBC Quality Design (2006)
8.18	WBC Strategic Housing Market Assessment (2016)
8.19	WBC Updated Housing Needs Evidence (2020)
8.20	WBC Infrastructure Delivery Plan (2016)
8.21	WBC Landscape Character Assessment (2019)
8.22	WBC Landscape Character Sensitivity Study: Newbury (2009)
8.23	WYG Sandleford Park Landscape and Visual Assessment (2009)
8.24	Newbury Town Design Statement (2018)
8.25	West Berkshire Environment Strategy (2020-2030)
8.26	West Berkshire Local Transport Plan (2011-2026)

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8.27	West Berkshire CIL Charging Schedule
8.28	West Berkshire CIL Governance Arrangements
8.29	Manual for Streets (DFT, 2007)
8.30	Government Response to the Future Homes Standards Consultation (2021)
8.31	Ancient Woodland, ancient trees and veteran trees: protecting them from development (Forestry Commission / Natural England, 2018)
CD9	**Statement(s) of Common Ground**
9.1	Statement of Common Ground (SoCG) dated 25.2.2021
CD10	**Appellants' evidence**
10.1	APP/1 Owen Jones Proof of Evidence (Planning)
10.2	APP/2 Owen Jones Appendices
10.3	APP/3 Owen Jones Summary
10.4	APP/4 Julian Cooper Proof of Evidence (Landscape and Visual)
10.5	APP/5 Julian Cooper Appendices
10.6	APP/6 Julian Cooper Summary
10.7	APP/7 David Bird Proof of Evidence (Access and Transportation)
10.8	APP/8 David Bird Appendices
10.9	APP/9 David Bird Summary
10.10	APP/10 Chris Allder Proof of Evidence (Trees)
10.11	APP/11 Chris Allder Appendices
10.12	APP/12 Chris Allder Summary
10.13	APP/13 David West Proof of Evidence (Ecology)
10.14	APP/14 David West Appendices
10.15	APP/15 David West Summary
10.16	APP/16 Lee Witts Proof of Evidence (Drainage)
10.17	APP/17 Lee Witts Appendices
10.18	APP/18 Lee Witts Summary
10.19	APP/19 Chris Garratt Proof of Evidence (Sustainability and Energy)
10.20	APP/20 Chris Garratt Appendices
10.21	APP/21 Chris Garratt Summary
10.22	APP/22 Andrew Williams Proof of Evidence (Urban Design)
10.23	APP/23 Andrew Williams Appendices
10.24	APP/24 Andrew Williams Summary
10.25	APP/25 Nigel Mann Proof of Evidence (Air Quality)
10.26	APP/26 Nigel Mann Appendices
10.27	APP/27 Nigel Mann Summary
10.28	APP/28 Proof of Evidence James Hinde
10.29	APP/29 Appendices James Hinde
10.30	APP/30 Summary James Hinde
10.31	APP/31 Owen Jones Rebuttal Proof of Evidence
10.32	APP/32 Julian Cooper Rebuttal Proof of Evidence
10.33	APP/33 David Bird Rebuttal Proof of Evidence
10.34	APP/34 Chris Allder Rebuttal Proof of Evidence
10.35	APP/35 David West Rebuttal Proof of Evidence
10.36	APP/36 Lee Witts Rebuttal Proof of Evidence
10.37	APP/37 Chris Garratt Rebuttal Proof of Evidence
10.38	APP/38 Nigel Mann Rebuttal Proof of Evidence
10.39	APP/39 James Hinde Rebuttal Proof of Evidence
CD11	**Council's evidence**
11.1	Planning Proof of Evidence (Niko Grigoropoulos)
11.2	Planning Appendix NG1 to Proof of Evidence (Niko Grigoropoulos)
11.3	Planning Appendix NG2 to Proof of Evidence (Niko Grigoropoulos)
11.4	Landscape and Visual Issues Proof of Evidence (Mark Flatman)
11.5	Landscape and Visual Issues Appendices to Proof of Evidence (Mark Flatman)

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11.6	Highways and Transport Proof of Evidence (Paul Goddard)
11.7	Highways and Transport Appendices to Proof of Evidence (Paul Goddard)
11.8	Trees Proof of Evidence (Andrew Giles)
11.9	Trees Appendix to Proof of Evidence (Andrew Giles)
11.10	Ecology Proof of Evidence (Susan Deakin)
11.11	Drainage Proof of Evidence (Jon Bowden)
11.12	Drainage Appendices to Proof of Evidence (Jon Bowden)
11.13	Education Proof of Evidence (Vincent Haines)
11.14	Education Appendices to Proof of Evidence (Vincent Haines)
11.15	Affordable Housing Proof of Evidence (Lynn Robinson)
11.16	Trees Rebuttal to Proof of Evidence (Andrew Giles)
11.17	Ecology Rebuttal to Proof of Evidence (Susan Deakin)
11.18	Drainage Rebuttal to Proof of Evidence (Jon Bowden)
11.19	Education Rebuttal to Proof of Evidence (Vincent Haines)
CD12	**Rule 6 Parties' evidence**
12.1	Adrian Abbs Proof of Evidence (GPC – NTC)
12.2	Chris Foster Proof of Evidence (GPC – NTC)
12.3	Tony Vickers Proof of Evidence (GPC – NTC)
12.4	Tony Vickers Proof of Evidence Appendices (GPC – NTC)
12.5	SNTS Proof of Evidence (Peter Norman)
12.6	SNTS Appendix A to Proof of Evidence
12.7	SNTS Appendix B to Proof of Evidence
12.8	SNTS Appendix C to Proof of Evidence
12.9	SNTS Appendix D to Proof of Evidence
12.10	SNTS Appendix E to Proof of Evidence
12.11	SNTS Appendix F to Proof of Evidence
12.12	SNTS Appendix G to Proof of Evidence
12.13	SNTS Appendix H to Proof of Evidence
12.14	Tony Vickers Rebuttal (GPC-NTC)
CD13	**Relevant Planning History**
The Appeal Site	
13.1	15/02300/OUTMAJ Decision Notice – Refused
13.2	16/00106/OUTMAJ Decision Notice – Refused
13.3	16/03309/OUTMAJ Decision Notice - Refused
13.4	18/00764/OUTMAJ Notice of Application being Disposed of
Highwood Copse Primary School	
13.5	17/00158/COMIND Decision Notice – Approved
13.6	17/03434/COMIND Decision Notice - Approved
Warren Road	
13.7	14/02416/FUL Decision Notice - Approved
13.8	19/02707/FUL Scheme Drawing (Application Withdrawn 18/9/20)
13.9	20/03041/FUL Scheme Drawing (pending decision)
CD14	**New Warren Farm 18/00828/OUTMAJ Outline Planning Application submitted by Donnington New Homes**
14.1	Planning Statement
14.2	Land Use Parameter Plan A090455 PP-01 B
14.3	Access and Movement Plan A090455 PP-02 C
14.4	Green Infrastructure Plan A090455 PP-06 F
14.5	Concept Masterplan A090455 CMP-01 E
14.6	Design and Access Statement
14.7	Design and Access Statement Addendum
14.8	Site Location Plan A090455 SLP-01
14.9	Combined Strategic and Green Infrastructure (SLGI) Plan 04627.00005.16.633.15
14.10	Building Heights Parameter Plan A090455 PP-03 Rev C
14.11	Density Parameter Plan A090455 PP-04 Rev B
14.12	Indicative Phasing Parameter Plan A090455 PP-05 Rev C
14.13	Memorandum of Understanding (dated 10th June 2020)

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14.14	Environmental Statement – Main Text - Chapter 9 – Landscape and Visual Impact Assessment
14.15	Arboricultural Impact Assessment 9219_AIA.004 Rev C
CD15	**Legislation, Court judgements and appeal decisions**
15.1	Suffolk Coastal / Cheshire East [2017] UKSC 37
15.2	East Staffordshire (Barwood) [2017] EWCA Civ 893
15.3	Planning (LB &CA) Act 1990 s.66 (extract)
15.4	Highways Act 1981 s.130 (extract)
15.5	Appeal Decision PINS Ref 3153899 22/08/2017 Land South of Garden Close Lane, Newbury.
15.6	Appeal Decision PINS Ref 3247977 10/02/2012 Land at Gate Farm, Hartley Road, Cranbrook
CD16	**Miscellaneous documents Appellant**
16.1	IAQM's A guide to the assessment of air quality impacts on designated nature conservation sites April 2019
16.2	IAQM's A guide to the assessment of air quality impacts on designated nature conservation sites May 2020
16.3	Chartered Institute of Ecology and Environmental Management (CIEEM) Advisory Note on the Ecological Assessment of Air Quality Impacts January 2021
16.4	Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations (Version: June 2018)
16.5	West Berkshire Council (WBC) 2020 Annual Status Report
16.6	World Health Organization (WHO), Ambient air pollution: A global assessment of exposure and burden of disease. 2016
16.7	West Berkshire Council Annual Monitoring Report January 2021
CD17	**Miscellaneous documents Council**
17.1	BS5837:2012 Trees in relation to design, demolition and construction - recommendations
17.2	BS3998:2010 Tree work - Recommendations
17.3	Woodland Trust (2019) Planning for Ancient Woodland Planners' Manual for Ancient Woodland and Veteran Trees.
17.4	According to Barrell… Contrasting approaches to heritage trees
17.5	Arboricultural Association Root protection for veteran trees
17.6	TPO 201/21/1016 – Land at Sandleford Park, Newtown Road, Newtown, Newbury
17.7	Woodland Trust: What are ancient, veteran and other trees of special interest? November 2008
17.8	West Berkshire Landscape Sensitivity Study: Potential Strategic Development Sites, WBC 2009.
17.9	Historic England Listing for the parkland Sandleford Priory, Greenham - 1000333
17.10	Historic Environment Character Zone HECZ(N) Newbury Fringe South (NFS)
17.11	Guidelines for Landscape and Visual Impact Assessment, GLVIA3, 3rd Edition.
17.12	The Landscape Institute, Valued Landscapes Consultation
17.13	Biodiversity Net Gain Good Practice Principles for Development. A practical guide. (2019) CIEEM,CIRIA & IEMA
17.14	Impacts of Nearby Development on the Ecology of Ancient Woodland. (2008) Corney, PM et al.
17.15	Making Space for Nature. Defra (2010)
17.16	Evidence Gathering on Criteria for Identifying Irreplaceable Habitats. Natural England (2015)
17.17	The ecological effects of air pollution from road transport: an updated review. Natural England Commissioned Report (NECR) 199 (2016)
17.18	Impacts of Nearby Development on the Ecology of Ancient Woodland – Addendum. Ryan, L (2012)
17.19	Government response to Future Homes Standard consultation. (2019)
17.20	Business, Energy and Industrial Strategy (BEIS) Public Attitudes Tracker (December 2020, Wave 36, UK)
17.21	Minutes of Council Meeting held on 2 July 2019.

Not to scale

17.22	UK local and regional CO2 emissions tables (2019) UK Greenhouse Gas Inventory.
17.23	A report for the Committee on Climate Change - The costs and benefits of tighter standards for new buildings. (2019) Currie & Brown.
17.24	The SuDS Manual (C753) CIRIA (2015)
17.25	Affordable Housing Viability Study by Dixon Searle Partnership 2020
17.26	House price to residence-based earnings ratio – Office for National Statistics
17.27	Berkshire Local Nature Partnership (LNP) Biodiversity Opportunity Areas
17.28	The Housing (Right to Acquire or Enfranchise) (Designated Rural Areas in the South East) Order 1997
17.29	House price to workplace-based earnings ratio – Office for National Statistics
17.30	PINS Post Conference Note of CMC 5th March 2021
17.31	WBC Five Year Housing Land Supply at December 2019 (published January 2020)
17.32	WBC Five Year Housing Land Supply at December 2020 (published March 2021)
CD18	**Miscellaneous documents Rule 6 Parties**
18.1	Andrews, et al. (2019) 'Introducing the 'Derived Root-system Radius'
18.2	Basingstoke and Deane (2018) 'Landscape, Biodiversity & Trees SPD'
18.3	Coventry (2020) 'Trees & Development Guidelines for Coventry, SPD'
18.4	Pegasus Group (2020) Planning, Design and Access Statement on behalf of Donnington New Homes
18.5	DfT (2020) LTN 1.20 Cycle Infrastructure Design
18.6	Dorset Council (2020) 'Dorset Biodiversity Appraisal Protocol'
18.7	South Oxfordshire District Council (2021) 'South Oxfordshire Local Plan 2035, Sustainability Appraisal'
18.8	WBC (2021c) 'Local Cycling & Walking Infrastructure Plan (LCWIP)'
18.9	Wiltshire Council (2015) 'Wiltshire Core Strategy Adopted January 2015'
18.10	Bloor Homes (2015) 'Parcel N1 Site Plan' (drawing number SOxxx-SL-003i, 15/02300/OUTMAJ)
18.11	Ballantyne and Pickering (2015) 'Differences in the impacts of formal and informal recreational trails on urban forest loss and tree structure'
18.12	Greenham Parish Council (2018) 'Sandleford Strategic Housing Site'
18.13	Highwood Copse Primary School (2020) 'School Travel Plan'
18.14	Longcore & Rich (2004) 'Ecological Light Pollution'
18.15	Minutes of a Project Board Meeting of Park House School - Expansion Project (16th March 2021)
18.16	Neumann et al. (2016) 'The heterogeneity of wooded-agricultural landscape mosaics influences woodland bird community assemblages'
18.17	PDSA (2020) 'PDSA Animal Wellbeing (Paw) Report 2020'
18.18	Town & Country Planning Association (2021) '20-Minute Neighbourhoods'
18.19	Transport for New Homes (2018) 'Project Summary and Recommendation'
18.20	Hanmer et al. (2017) 'Urbanisation influences range size of the domestic cat (Felis Catus) Consequences for conservation'
18.21	Glądalski et al. (2016) 'Effects of Human-related Disturbance on breeding success of urban and nonurban blue tits'
18.22	GreenSpec (2021) 'Passive Solar Design - Siting and Orientation'
18.23	Koru Architects (2021) 'Passive Solar - the low-tech way to heat your home
18.24	Design and Access Statement submitted for application 15/02300/OUTMAJ
18.25	Bloor Homes (2015) 'Parcel N1 Site Plan' Part 1(drawing number SOxxx-SL-001i, 15/02300/OUTMAJ)

Redacted Final Copy

18.26	Bloor Homes (2015) 'Parcel N1 Site Plan' Part 2 (drawing number SOxxx-SL-002i, 15.02300.OUTMAJ)
CD19	**Other Documents**
	Not Used
CD20	**Environmental Statement Main Text (Vol 1)**
20.1.	ES Vol. 1 Cover Sheet
20.2.	ES Vol. 1 Contents
20.3.	ES Vol. 1 Sign Off Sheet (Redacted)
20.4.	Chapter 1 Introduction
20.5.	Chapter 2 EIA Approach and Methodology
20.6.	Chapter 3 Site and Surroundings
20.7.	Chapter 4 Proposed Development
20.8.	Chapter 5 Socio Economics
20.9.	Chapter 6 Ecology
20.10.	Chapter 7 Landscape and Visual
20.11.	Chapter 8 Soils and Agriculture
20.12.	Chapter 9 Cultural Heritage
20.13.	Chapter 10 Archaeology
20.14.	Chapter 11 Water Resources
20.15.	Chapter 12 Utilities
20.16.	Chapter 13 Transport and Accessibility
20.17.	Chapter 14 Noise and Vibration
20.18.	Chapter 15 Air Quality
20.19.	Chapter 16 Summary of Effects and Mitigation
20.20.	ES Vol.1 Glossary of Terms
CD21	**Environmental Statement A3 Figures (Vol 2)**
21.1.	Figure 1.1 Site Location
21.2.	Figure 1.2 Application Boundary
21.3.	Figure 1.3 Allocation boundary
21.4.	Figure 3.1 Site Context
21.5.	Figure 3.2 Application Site
21.6.	Figure 4.1 Land Use and Access Parameter Plan
21.7.	Figure 4.2 Green Infrastructure Parameter Plan
21.8.	Figure 4.3 Strategic Landscape and GI Plan
21.9.	Figure 4.4 Building Heights Parameter Plan
21.10.	Figure 4.5 Parcelisation Plan
21.11.	Figure 4.6 Sandleford Park West
21.12.	Figure 4.7 Illustrative Masterplan
21.13.	Figure 4.8 Cumulative Developments
21.14.	Figure 4.9 Illustrative Valley Crossing
21.15.	Figure 5.1 Community Facilities
21.16.	Figure 7.1 Site and Immediate Surroundings
21.17.	Figure 7.2 Topography
21.18.	Figure 7.3 Landscape Character and Designations
21.19.	Figure 7.4 Site Character
21.20.	Figure 7.5 Historic Landscape and Features
21.21.	Figure 7.6A ZTV
21.22.	Figure 7.6B ZTV
21.23.	Figure 7.7 Country Park Phasing Plan
21.24.	Figure 8.1 Agricultural land Classification
21.25.	Figure 9.1 Prehistoric and Roman Heritage Assets
21.26.	Figure 9.2 Medieval Heritage Asset
21.27.	Figure 9.3 post Medieval Heritage Assets
21.28.	Figure 9.4 Modern Heritage Asset
21.29.	Figure 9.5 Designated Heritage Assets and ZTV

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21.30.	Figure 9.6 Selected Heritage Assets and ZTV
21.31.	Figures 9.7 – 9.14 Small Views
21.32.	Figures 9.15-9.20 Panorama Viewpoints.
21.33.	Figure 13.1 Study Network
21.34.	Figure 13.2 Existing Walking and Cycling
21.35.	Figure 13.3 Pedestrian and Cycle
21.36.	Figure 13.4 Link Sensitivity Plan
CD22	**Environmental Statement Appendices (Vol 3)**
22.1.	ES Vol. 3 Cover Page
22.1.	ES Vol. 3 Contents Page
22.2.	A1 Location Plan 1502300 OUTMAJ
22.3.	A2 Location Plan 1600106 OUTMAJ
22.4.	B1 EIA Scoping Request
22.5.	B2 EIA Scoping Opinion (Redacted)
22.6.	B3 Summary of Public and Stakeholders response
22.7.	C1 Highwood Copse School Site Plans
22.8.	D1 Draft CEMP
22.9.	D2 Proposed Access Drawings
22.10.	F1 Ecological Appraisal
22.11.	F2 GCN Survey
22.12.	F3 Reptile Survey
22.13.	F4 Breeding Bird Survey
22.14.	F5 Barn Owl Letter
22.15.	F6 Nightjar Survey
22.16.	F7 Bat Roost Assessment
22.17.	F8 Bat Emergence Return Summary
22.18.	F9 Bat Activity Summary
22.19.	F10 Dormouse Survey
22.20.	F11 Badger Survey Letter (Redacted)
22.21.	F12 Terrestrial Invertebrate Survey
22.22.	F13 Aquatic Invertebrate Survey
22.23.	F14 White Clawed Crayfish Survey
22.24.	F15 Otter and Water Vole Survey
22.25.	F16 Fungi Survey
22.26.	F17 NVC Woodland Survey
22.27.	F18 Ecological Mitigation and Management Plan (Redacted)
22.28.	F19 Combined EMMP
22.29.	F20 Lighting Assessment
22.30.	F21 Biodiversity Net Gain Assessment
22.31.	F22 NVC Grassland Survey
22.32.	F23 NVC Arable Plants Survey
22.33.	F24 2019 Survey Summary
22.34.	G1 Historic OS Maps
22.35.	G2 Landscape Character Compartment Sheets
22.36.	G3 Site photographs
22.37.	G4 Photomontage
22.38.	G5 Methodology
22.39.	G6 Landscape Effects Table
22.40.	G6 Visual Effects Table
22.41.	G7 LGIDMP
22.42.	G8 Schedule of Tree and Plant Species
22.43.	G9 Heritage and Landscape Assessment
22.44.	G10 Sequential Views
22.45.	G11a Arboricultural Assessment
22.46.	G11b SGN Manual V2.1

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22.47.	H1 Soil Resources
22.48.	I1 Legislative and Planning Policy Context
22.49.	I2 Assessment Methodology
22.50.	I3 Heritage Asset Lists
22.51.	I4 Conservation Audit
22.52.	J1 Archaeological Desk based assessment
22.53.	K1 Flood Risk Assessment
22.54.	L1 Service Supply Statement
22.55.	M1 Traffic Flow Data
22.56.	N1 Noise Assessment
22.57.	O1 Air Quality Assessment

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Appendix E Recommended conditions should permission be granted

1. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase takes place. The development shall be carried out in accordance with the approved details.
2. Before or alongside the first application for reserved matters approval a plan shall be submitted to the local planning authority identifying the phasing for the development and shall include the following:
   - Residential phase(s)
   - Primary School
   - Local Centre phase
   - Country Park
   - Central Valley Crossing
   - Crooks Copse Link
   - Expansion of Park House School
   - On-site highway works and infrastructure (including but not limited to on-site roads, footways, cycleway and green links)
   - Public open space including the NEAP, LEAPs and LAPs
   - Broad housing numbers and housing mix for each phase of development.

   No development shall commence until the local planning authority has approved in writing the phasing plan and the development shall thereafter be constructed in accordance with the agreed phasing plan.
3. Application for approval of the reserved matters for at least one of the phases shown on the phasing plan approved by condition 2 shall be made to the Local Planning Authority no later than the expiration of 3 years from the date of this permission.
4. The development of each phase permitted by condition 2 shall commence no later than 2 years from the date of approval of the last of the reserved matters to be approved for that phase.
5. The development hereby permitted shall be carried out in substantial accordance with the details shown on the following plans, save that the amended areas for the Primary School and the Park House School expansion land shall be taken into account:
   - Application Boundary Plan (drawing number 14.273/PP01 Rev B)
   - Land Use and Access Parameter Plan (drawing number 14.273/PP02 Rev H1);
   - Green Infrastructure Parameter Plan (drawing number 14.273/PP03 Rev G1);
   - Building Heights Parameter Plan (drawing number 14.273/PP04 Rev G1);

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- Strategic Landscaping and Green Infrastructure Plan (drawing number 04627.00005.16.632.13) - except for the locations of the LEAP and NEAP, the attenuation basins;
- Eastern Site Access Plan (drawing number 172985/A/07.1 Rev A);
- Western Junction Access Plan (drawing number. 172985/A/08 Rev A).

6. Prior to, or at the same time as, the submission of the first reserved matters application, an Urban Design Code document for all built areas (residential, local centre, valley crossings and primary school) identified in the Phasing Plan approved pursuant to Condition 2 shall be submitted to the Local Planning Authority for its approval

   The Urban Design Code document shall accord with the Key Design Principles specified in Section F of the Sandleford Park Supplementary Planning Document (March 2015). The following details for each of the character areas CA1, CA2, CA3, CA4, CA6, CA7 and CA8 identified within Section F of the Sandleford Park Supplementary Planning Document shall be provided.

   (a) the built form of the character area, namely the structure of blocks, key groupings or individual buildings, density, building form and depth, massing, scale, building heights (in accordance with the approved plan), orientation of buildings roofscape, including ridge lines and pitches, building elements such as eaves, openings (windows and doors) and porches, external materials, boundary treatment;

   (b) the street network, cycle routes, footpaths and public spaces, providing typical street cross-sections.

   (c) landscaping, areas of public realm, green links, woodland buffers, sustainable urban drainage, and open space within the areas of built development (excluding the area of Country Park), including enclosure, shading, natural surveillance, public art, materials, street furniture, signage and lighting.

   (d) the approach to vehicular and cycle parking including the amount of parking, location and layout of parking for all purposes, including but not restricted to parking for people with disability, visitor parking, parking for the Country Park and electric vehicle charging at the local centre.

   (e) Principles for ancillary infrastructure/buildings such as waste and recycling provision.

   Each reserved matter application shall accord with the details of the approved Urban Design Code document and be accompanied by a statement which demonstrates compliance with the approved Urban Design Code document.

7. Proposals for the number and type of open market housing on any individual phase of the development shall be submitted to the local planning authority for approval either prior to or as part of any reserved matters application relating to Layout. In combination, the residential phases approved in the Phasing Plan (pursuant to Condition 2) shall provide the following mix of market housing:

2 bed flats	10%
2 bed houses	20%
3 bed houses	42.5%

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4 bed houses 27.5%

The development shall thereafter be implemented in accordance with the approved scheme.

8. Notwithstanding what is shown on the Land Use and Access Parameter Plan (drawing number PP02 Rev H1), Green Infrastructure Parameter Plan (drawing number PP03 Rev G1) or Building Heights Parameter Plan (drawing number PP04 Rev G1), a Primary School Site Area plan showing the location and boundaries of the primary school site of 2.043 hectares (20430 square metres) shall be submitted to the Local Planning Authority before the first application for reserved matters approval. No reserved matters application shall be approved until a Primary School Site Area plan has been approved in writing by the Local Planning Authority. The Scheme shall be implemented in accordance with the approved plan.

9. Notwithstanding what is shown on the Land Use and Access Parameter Plan (drawing number PP02 Rev H1), Green Infrastructure Parameter Plan (drawing number PP03 Rev G1), Building Heights Parameter Plan (drawing number PP04 Rev G1) or Strategic Landscape and Green Infrastructure Plan (drawing number 04627.00005.16.632.13), a scheme for the Park House School expansion land showing the location and boundaries of the expansion land in accordance with drawing number BG-SP-001 Rev B and including the specification for the playing pitch to be provided, existing and proposed levels, tree protection measures, associated pedestrian routes and spectator space, means of enclosure, drainage, other hard and soft landscaping measures together with a programme for implementation shall be submitted to the Local Planning Authority before the first application for reserved matters approval.

The expansion land scheme shall be implemented in full in accordance with the approved details.

10. No external lighting within the Park House School Expansion Land shall be installed unless an application has been made to and approved by the Local Planning Authority for that purpose and any such external lighting shall only be installed and thereafter operated in accordance with the external lighting scheme approved.

11. The first reserved matters application, relating to any or all of the reserved matters (namely layout, scale, appearance and landscaping) for each phase of residential development submitted pursuant to Condition 2 above, shall be accompanied by a fully detailed scheme of on-site energy generation from renewable, low carbon and/or zero carbon energy sources.

No development within each phase shall take place until approval of the above scheme of energy generation on site has been granted in writing by the Local Planning Authority.

Thereafter the development within each phase shall be implemented in full accordance with the approved details.

12. The first reserved matters submission relating to layout, scale, appearance and landscaping for the Local Centre shall be submitted prior to any other reserved matters application for a phase within Development Parcel Central. The reserved matters application shall include details of car parking and cycle parking, and provide an area measuring 15m x 7 m for a mini-waste recycling collection facility within the Local Centre.

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No development within Development Parcel Central shall take place until approval of the Local Centre has been received in writing from the Local Planning Authority as part of the reserved matters application.

No more than 700 dwellings within the site shall be occupied until the Local Centre has been constructed in full accordance with the approved details.

13. No individual dwelling or unit shall be first occupied until vehicle parking and turning spaces and cycle parking associated with each dwelling/unit has been provided in accordance with the details previously approved in writing by the Local Planning Authority.

    Thereafter the vehicle parking shall be kept available for the parking of private cars and/or private light goods vehicles and the cycle parking provision shall be kept available for the parking of cycles.

14. The first reserved matters submission relating to layout, scale, appearance and landscaping for each phase of residential development submitted pursuant to Condition 2 shall be accompanied by details of existing and proposed ground levels, and finished floor levels of the dwellings and other buildings to be constructed in that phase. No development within each phase shall take place until approval of the proposed ground levels and finished floor levels has been received in writing from the Local Planning Authority as part of the reserved matters application.

    Thereafter the development within each phase shall be implemented in accordance with the approved details.

15. The first reserved matters submission relating to layout, scale, appearance and landscaping for the phase of the development with Development Parcel Central containing the Country Parkland parking (the indicative location of which is shown on plan 04627.00005.16.632.13), shall provide details of the vehicular, cycle and motorcycle parking arrangement and turning spaces for the Country Parkland. No development within that phase shall take place until approval of the Country Parkland parking has been received in writing from the Local Planning Authority as part of the reserved matters application.

    The Country Parkland parking shall be implemented in accordance with the approved details (including any surfacing arrangements and marking out) prior to the occupation of more than 150 dwellings in Development Parcel Central.

    Thereafter the parking shall be kept available for the parking of visitors' private cars, motorcycles and cycles.

16. Prior to the occupation of any dwellings or units within any phase or sub-phase, electric vehicle charging points shall be installed in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

17. Prior to, or at the same time as, the submission of the first reserved matters application a Drainage Strategy for the whole site shall be submitted to and approved in writing by the Local Planning Authority.

18. The first reserved matters application for any part of the development which would be located within any part of any of the rainfall catchment areas as identified in Appendix K1 of the Environmental Statement (drawing number 10309-DR-02) shall provide details of the sustainable drainage measures to

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manage surface water within that entire rainfall catchment area or areas affected.

No development within each of the rainfall catchment areas shall take place until approval of the sustainable drainage measures for that rainfall catchment area has been received in writing from the Local Planning Authority as part of the reserved matters application.

These details shall:

a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018, to include a range of, but not be limited to, the following : green roofs and rainwater harvesting measures; localised bio-retention measures in built areas; trees planted in tree-pits incorporated into the built development as well as SuDS areas; ponds and wetlands; carriageway filter strips; roadside swales; attenuation basins as local source control with dry and wet areas;

b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels pertinent to the locations of proposed SuDS measures. Any soakage testing should be undertaken in accordance with BRE365 methodology;

c) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

d) Include a timetable for its implementation; and,

e) Provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The above sustainable drainage measures shall be implemented in full accordance with the approved details. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

19. Prior to or as part of the first reserved matters application, a fully detailed scheme for the protection and management of all the woodlands and their respective woodland buffers, namely Crook's Copse, Slockett's Copse, Slockett's West, High Wood, Barn Copse, Dirty Ground Copse, Waterleaze Copse or Gorse Covert, shall be submitted to and approved in writing by the Local Planning Authority. The submitted detailed scheme for the woodlands and woodland buffers shall include the following:

a) A detailed ecological and arboricultural assessment of all the woodland and boundary trees and the proposed buffer zone, to establish if there are any ancient/veteran trees or trees of note within or surrounding the woodland or woodlands relating to that phase;

b) A detailed assessment of the existing landscape, botanical and ecological value of the woodlands and its buffer zones;

c) A detailed scheme of enclosure to prevent all access and/or storage of

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materials during construction to the woodland buffer zone.

d) Details of fencing or other forms of enclosure for the buffers ensuring retention for the duration of the site construction period and in perpetuity following the onset of the operational phase of the development. Such details will include special measures for installation of fence posts and means of enabling continued wildlife transfer into the woodlands (including badger gates / gaps and hedgehog gaps), whilst minimising ingress of domestic pets.

e) Details of soft landscaping and planting specifications of a habitat creation scheme, including locally indigenous and appropriate native species of trees, shrubs and characteristic woodland edge flora, within the buffer zones;

f) A detailed assessment of any basins, conveyance channels and other infrastructure including outfalls proposed to be located within the ancient woodland buffer zones, including the Sustainable Urban Drainage Systems (SuDS) and their effect on the hydrology, water table, or roots of adjacent trees/woodlands. SuDS should not be located within the root protection area.

g) Details of tree protection barriers, ground protection and methods for installation;

h) Details of signage and interpretation boards where relevant and methods for installation;

i) Details of the locations of the access points and paths through buffers to footpaths within the woodlands;

j) Details of No-dig permeable surfacing and methods for installation of the proposed access provision along specified and agreed routes;

k) Details of the extent of buffer zones, to be set out on site as 'no-go' Nature Conservation Areas prior to the onset of any enabling or construction works on Site together with an agreed programme of conservation management and monitoring to be undertaken by the Project Ecologist. Contractor's access (plant and personnel) will only be permitted to allow the construction of access paths within buffer zones (but only where these are to allow direct access into the woodland).

The ancient woodland buffer should be at least 15m as measured from the edge of the woodland (that being from the fixed physical woodland boundary such as a fence, ditch, stream or other physical demarcation), or at least 15m from the edge of Natural England's ancient woodland inventory Magic Map Application (defra.gov.uk), whichever is the greater. For all ancient/veteran trees the buffer zone radius should be extended to measure at least 15 times the diameter of the tree or to at least 5m from the edge of the tree's canopy, whichever the greater. The exact full extent of the woodland buffer width at any point is to be clearly identified on all plans submitted to discharge of this Condition.

Unless specified otherwise in the approved scheme, the buffer zone habitat creation and fenced protection measures, are to be installed within the first planting season following commencement of development at the beginning of the construction period for each phase.

Any public access to the woodland buffer zone is only permitted to allow direct access to paths within the woodland.

No construction activity, other than that subject to written approval by the Local Planning Authority, shall be carried out at any time within the minimum 15m

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woodland buffer zone.

There is to be no access for construction of Site infrastructure (e.g. roads, bridges, drainage facilities) or other earthworks and no storage of materials, plant, no fires or other potentially damaging operations within any of the buffers unless otherwise approved as part of the details submitted above.

No lighting is to be erected or installed within buffer zones or directed towards buffer zones.

No development shall take place in the phase concerned, until the above details have been approved by the Local Planning Authority and implemented for that phase.

20. The first reserved matters submission relating to layout, scale, appearance and landscaping for each phase of residential development submitted pursuant to Condition 2 shall be accompanied by details of any LEAP or Local Areas for Play (LAP)to be provided within that phase, including details of play equipment to be provided. No development within each phase shall take place until approval of any LEAPs or LAPs to be provided within that phase has been received in writing from the Local Planning Authority as part of the reserved matters approval.

21. Details of both hard and soft landscape works for each phase, excluding Ecological Buffer Zones alongside watercourses, ponds and basins, shall be submitted to and approved in writing by the local planning authority. Each reserved matter submission for landscape shall include details of:

i) the timing of implementation, which shall be no later than the end of the first planting season following the substantial completion of development of that phase;

ii) planting plans;

iii) written specifications;

iv) a schedule of plants noting species, plant sizes and proposed numbers;

v) existing landscape features such as trees, hedges and ponds to be retained, accurately plotted (where appropriate);

vi) existing landscape features such as trees, hedges and ponds to be removed, accurately plotted (where appropriate);

vii) existing and proposed finished levels (to include details of grading and earthworks where appropriate);

viii) hard landscaping such as any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking).

The soft landscaping shall be completed in accordance with the approved details including the programme of implementation.

With the exception of Advanced Structure Planting secured by condition 35, any planting that is removed, uprooted, severely damaged, destroyed or dies within five years of the date of planting shall be replaced by the approved type planting by the end of the first available planting season.

No dwelling shall be first occupied, or unit brought into first use until the

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approved hard landscaping works have been implemented in full in accordance with the details approved at reserved matters stage.

22. No individual dwelling shall be first occupied, or individual non-residential unit brought into use until refuse storage and recycling facilities in accordance with the details for that residential dwelling or non-residential unit have been constructed in accordance with the details approved at reserved matters stage.

Thereafter the recycling and refuse storage shall be kept available and used for the storage of refuse and recycling receptacles.

23. Notwithstanding drawing numbers 172985/A/07.1 Rev A and 172985/A/08 Rev A, as part of the first reserved matters application details of pedestrian and cycle accesses to the site from Monks Lane shall be submitted. No development shall take place until approval of the pedestrian and cycle accesses to the site from Monks Lane, together with a programme of implementation, has been received in writing from the Local Planning Authority as part of the reserved matters application.

The details shall confirm the approved visibility splays for the proposed vehicular accesses onto Monks Lane of 2.4 metre x 43 metres. Thereafter the visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.

No dwelling within the site shall be occupied until the Monks Lane Eastern Access has been implemented to base wearing course in full accordance with the approved details. No more than 100 dwellings within the site shall be occupied until the Monks Lane Western access has been implemented to base wearing course standard in full accordance with the approved details. The pedestrian and cycle access shall be provided in accordance with an agreed programme of implementation.

24. The first reserved matters application for the site shall include a Country Parkland Landscape and Green Infrastructure Design and Management Plan (LGIDMP) detailing the design and management of the landscape and green infrastructure within the whole of the Country Parkland as denoted in drawing number 04627.00005.16.306.15 including details of woodland buffer zones, hard and soft landscaping, boundary treatments, SuDS, non-vehicular access, lighting, green links, works and alterations to PROW GREENHAM 9 and NEAP. No development shall take place until approval of the Country Parkland Landscape and Green Infrastructure Design and Management Plan (LGIDMP) has been received in writing from the Local Planning Authority as part of the reserved matters application.

No more than 150 dwellings within Development Parcel North 1 and 2 (as depicted on drawing number PP05 Rev B) shall be occupied until the Country Parkland Eastern area as shown on drawing number 04627.00005.16.306.15 has been implemented in full accordance with the approved details. The details shall include provision for a temporary car park.

No more than 150 dwellings within Development Parcel Central (as depicted on drawing number PP05 Rev B) shall be occupied until the Country Parkland Western area as shown on drawing number 04627.00005.16.306.15 has been established and open to the public in accordance with the approved details.

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25. Full details including the design, appearance, lighting and method of construction of the Central Valley Crossing shall be submitted to the Local Planning Authority prior to, or as part of, the reserved matters submission relating to any one of the following: layout, scale, appearance and landscaping, the phase of the development within Development Parcel North 2 established through condition 2 that is to be located directly to the north of, and adjoining, the central valley.

    No development within that phase shall take place until the Central Valley Crossing details have been approved in writing by the Local Planning Authority. The Central Valley Crossing shall be implemented in accordance with the approved details, including the method of construction.

26. No development shall take place until details of site access for use during all construction activities has been submitted to and approved in writing by the Local Planning Authority. The details shall include a plan showing the layout, surfacing arrangements, visibility splays, and any adjoining gates and means of enclosure.

    Thereafter no construction activities other than those directly related and necessary to construct the access(es) shall take place until the construction of the construction access(es) has been completed in accordance with the approved details. The construction access(es) shall be maintained in their approved condition at all times during demolition and/or construction activities. Visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.

27. No development shall commence until details of sustainable drainage measures to manage surface water within the site during the construction period have been submitted to and approved in writing by the Local Planning Authority. Those details shall include timings of when the measures are to be implemented, the decommissioning of those measures and any necessary restoration. The sustainable drainage measures shall be implemented, maintained and managed in accordance with the approved details thereafter and the construction of development shall be undertaken in accordance with the approved details.

28. No more than 200 dwellings within the Site shall be occupied until the construction access to Park House School has been completed in accordance with the details that have previously been submitted to and approved in writing by the local planning authority.

    Such details shall include surface treatment, crossing of watercourses including a temporary bridge across the central valley, an ecological appraisal including any necessary mitigation measures and the timing for those, tree and woodland protection and timescales for laying out, location and size of site compound(s) and decommissioning.

29. No development within any phase of the development permitted by condition 2 shall take place until a scheme to deal with any land contamination within that phase has been submitted to and approved in writing by the Local Planning Authority. The land decontamination scheme shall:

    (a) Include an investigation and risk assessment. A report of the findings

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shall: identify the nature and extent of any contamination on the site (irrespective of its origin); include an assessment of the potential risks to human health, property, and the environment; and include an appraisal of remedial options, and proposal of preferred option(s) if required.

(b) If required, include a remediation scheme which ensures that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

(c) If required, include a monitoring and maintenance scheme to ensure the long-term effectiveness of the proposed remediation, and the provision of reports on the same that shall be submitted to and approved in writing by the Local Planning Authority.

(d) Be prepared by a competent person (a person with a recognised relevant qualification, proven experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation), and conducted in accordance with current best practice.

Thereafter, any approved remediation scheme and/or monitoring and maintenance measures if required shall be carried out in accordance with the approved details. Two weeks written notice shall be given to the Local Planning Authority prior to the commencement of any remediation scheme.

If any previously unidentified land contamination is found during the carrying out of the development, it shall be reported immediately in writing to the Local Planning Authority. Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be undertaken in accordance with details that shall have been approved in writing by the Local Planning Authority. Thereafter, any remediation measures shall be carried out in accordance with the approved details.

The development within each phase shall not be occupied until all approved remediation measures if required have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority.

30. No development (including demolition, ground works, vegetation clearance) within each phase of the development permitted by condition 2, but excluding the Ecological Buffer Zones alongside watercourses, ponds and basins shall take place until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be based upon the outline Construction and Environment Management Plan submitted at Appendix D1 of Environmental Statement (March 2020) and include the following:

(a) Risk assessment of potentially damaging construction activities including any updated ecological survey reports where necessary.

(b) Identification of "biodiversity protection zones".

(c) Practical measures (both physical measures and sensitive working

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practices) to avoid or reduce impacts during construction on biodiversity and landscape (may be provided as a set of method statements).

(d) The location and timing of sensitive works to avoid harm to biodiversity features.

(e) The times during construction when specialist ecologists need to be present on site to oversee works.

(f) Responsible persons and lines of communication.

(g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person together with their contact details.

(h) Use of protective fences, exclusion barriers and warning signs.

(i) A scheme of works for the retention and reuse of the best and most versatile soils in accordance with best practice as set out in the Code of Practice for the Sustainable Use of Soils on Construction Sites.

(j) A working method statement for channel and bank works within the Country Parkland including the timing of works; methods used for all channel and bank side water margin works; and the machinery (location and storage of plant, materials and fuel, access routes, access to banks etc) to be used.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

31. No development (including demolition, ground works, and vegetation clearance) shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall be based upon Appendix G of the Transport Assessment (March 2020).

The approved CTMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

32. No piling or other deep foundations, investigation boreholes or ground source heating and cooling systems using penetrative methods shall take place until a Piling Risk Assessment and Piling Method Statement has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for the reduction of ground permeability and impacts on groundwater flow and levels, and the programme for the works, including timing, duration and schedule.

Any piling or other deep foundation designs, investigation boreholes and ground source heating and cooling systems using penetrative methods must be undertaken in accordance with the terms of the approved Piling Method Statement.

33. No development (including any site clearance and any other preparatory works) within each phase of the development permitted by condition 2, excluding the Country Park and the Ecological Buffer Zones alongside watercourses, ponds and basins shall commence until a Landscape and Green Infrastructure Design and Management Plan (LGIDMP) for that phase has been submitted to and

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approved in writing by the Local Planning Authority. Each Landscape and Green Infrastructure Design and Management Plan (LGIDMP) shall detail the design, implementation and management of the landscape and green infrastructure within the developed areas of the site and how each phase will be integrated with the adjacent phase. The LGIDMP will also include non-vehicular access, lighting, green links, works and alterations to PROW GREENHAM 9 (where applicable) and open space provision.

Each Landscape and Green Infrastructure Design and Management Plan shall cover a 30 year period in accordance with best practice for Biodiversity Net Gain including and an initial 5 year Establishment Period.

All measures and works shall be completed in accordance with the approved details and programme.

34. For each phase of development identified on the Phasing Plan approved pursuant to Condition 2, an Ecological Mitigation and Management Plan (phase specific EMMP), together with a timetable for implementation, comprising a schedule of avoidance, mitigation and management measures shall be submitted to the Local Planning Authority. The phase specific EMMP shall be prepared in accordance with the site wide EMMP (Appendix F19 of the Environmental Statement March 2020) and informed by the recommendations arising from any updated ecology surveys completed to inform the Reserved Matters Applications in that parcel. Each phase specific EMMP shall accord with the Surface Water Drainage Strategy, the Detailed Landscape and Green Infrastructure Design and Management Plan, and the Construction Environment Management Plan prepared for that phase of the development. No plant, machinery or equipment shall be brought onto to any phase until the phase specific EMMP relevant to that main development parcel has been approved by the Local Planning Authority and the phase specific EMMP's measures shall thereafter be implemented in accordance with the agreed details, including the timetable for implementation, unless otherwise agreed in writing by the Local Planning Authority.

35. No development (including any site clearance and any other preparatory works) within any Phase approved pursuant to Condition 2 shall commence until a scheme for the protection of trees, hedges to be retained within that Phase has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and type of the protective fencing. The protective fencing shall be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012 or alternatively as agreed with the Local Planning Authority. All such fencing shall be erected prior to any development works taking place in that phase and at least 2 working days' notice shall be given to the Local Planning Authority that it has been erected. Fencing shall be retained for the full duration of construction works within the phase or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

36. No development (including site clearance and any other preparatory works) shall take place within any main development parcel shown on parcel plan 14-273/PP05 Rev B until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site

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monitoring for that main development parcel, which has been submitted to and approved in writing by the Local Planning Authority.

37. No development shall commence until a scheme for Early/advanced planting, the locations of which are shown on the Country Park: Phasing Plan 04627.00005.16.306.15, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

    i) the timing of implementation, which shall be no later than the end of the first planting season following the commencement of development;

    ii) planting plans;

    iii) written specifications;

    iv) a schedule of plants noting species, plant sizes and proposed numbers;

    v) existing landscape features such as trees, woodlands, hedges and ponds to be retained accurately plotted (where appropriate);

    vi) existing landscape features such as trees, hedges and ponds to be removed accurately plotted (where appropriate);

    vii) existing and proposed finished levels (to include details of grading and earthworks where appropriate).

    The planting scheme approved as part of this condition shall be completed and thereafter maintained in accordance with the approved timing details.

    Any trees, shrubs, plants or hedges planted in accordance with the approved details which are removed, die, or become diseased or become seriously damaged within 15 years of completion of the Advanced Structure Planting scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

38. No development shall take place until a plan detailing the protection and mitigation of damage or disturbance to Otters and Water Voles and their habitats, has been submitted to the Local Planning Authority. The plan must be based on an updated otter and water vole survey to be included with the plan and must consider the whole duration of the development, including the construction phase and a ten year period after completion, including ongoing population surveys and monitoring. Any change to operational responsibilities, including management, shall be submitted to and approved in writing by the Local Planning Authority.

    The Otter and Water Vole protection plan shall be carried out in accordance with a timetable for implementation as approved.

39. No development shall take place within any phase until an updated badger survey and mitigation strategy for that phase has been undertaken and a report submitted to and approved in writing by the Local Planning Authority. The report shall detail the methods and results of the survey and include recommendations and/or measures for any working practices or other mitigation measures that might include strategic fencing and defensive screen planting. The development shall be implemented in accordance with the approved details.

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40. No development within any phase of the development permitted by condition 2 shall take place until a Lighting Scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The details of the lighting scheme shall accord with the lighting principles set out in the Appendix C of the Lighting Assessment (Appendix F20, Environmental Statement March 2020) and shall:

    i) Identify those areas within that phase of development that are likely to cause disturbance to bats and other nocturnal animals, including dormice, owls and badgers.

    ii) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species.

    iii) Include an isolux diagram of the proposed lighting.

    No external lighting shall be provided, installed or operated in the development, except in accordance with the approved detailed lighting scheme.

41. Each reserved matter application in a residential phase of the development hereby permitted shall include a Noise Assessment that shall identify noise mitigation measures required to achieve internal levels of 30 dB LAeq(15mins) or 45 dB LAmax throughout the night-time (23:00 - 07:00) or 40 dB LAeq(1hr) during the daytime (07:00 – 23:00) and 50 dB LAeq(1hr) in the quietest part of private amenity spaces. Where necessary, the details of the proposed noise mitigation shall also be submitted for approval. The approved noise mitigation measures shall be implemented for any individual dwelling or unit prior to its first occupation.

42. No development including site clearance, within any phase of the development permitted by condition 2 or within the Country Parkland as identified on drawing number 04627.00005.16.306.15, shall take place until the developer has secured the implementation of a programme of archaeological survey and recording to include any below ground deposits affected by the works. This programme shall be in accordance with a Stage 1 Written Scheme of Investigation (WSI) which has been submitted to and approved by the local planning authority. For land that is included within the Stage 1 WSI development shall take place other than in accordance with the agreed Stage 1 WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by the Stage 1 WSI, then for those parts of the site which have archaeological interest a Stage 2 WSI shall be submitted to and approved in writing by the Local Planning Authority.

For land that is included within the Stage 2 WSI, no site clearance work or development shall take place other than in accordance with the approved Stage 2 WSI, which shall include:

a) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

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b) The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.

This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the Stage 2 WSI.

43. No excavations associated with the erection of the buildings within each phase of the development permitted by condition 2 shall take place until a statement of mineral exploration and associated development management plan for that phase of development has been submitted to and approved in writing by the Local Planning Authority. This statement shall include:

i. The methods to be used for investigating the extent and viability of the construction aggregate mineral resource beneath the areas of the application site proposed for built development.

ii. Details of the necessary operations to be carried out to ensure that incidental extraction of construction aggregates that can be viably recovered during construction operations are extracted and put to beneficial use, such use to be agreed in writing with the Local Planning Authority.

iii. Details of the timing of the investigative and extraction works, together with the timing of any further detailed submissions required during the construction operations.

iv. A method to record the quantity of recovered mineral (for use on and off site) and the reporting of this quantity to the Local Planning Authority.

v. The approved scheme shall be implemented in full and complied with throughout the duration of the construction operations.

44. No development shall commence until a scheme for the pedestrian and cycle access route to the A339 in the location within the site, as shown on drawing number 81311-041-108, has been submitted to and approved in writing by the Local Planning Authority. No more than 150 dwellings within Development Parcel North 1 shall be occupied until the pedestrian and cycle access has been implemented in full accordance with the approved scheme and is available for pedestrian use.

45. No development shall commence until details of permanent foul drainage proposals for the site, to include phasing, have been submitted to and approved in writing by the Local Planning Authority. The details shall include a development and foul water network infrastructure phasing plan (on and off site) together with a timetable of the implementation of the foul water infrastructure to be installed and the corresponding number of dwellings that can be occupied.

The foul drainage proposals will be implemented in accordance with the approved details.

46. Development shall not commence on any non-residential building until details of any externally mounted plant or equipment (and their enclosure if provided) or any internal equipment which vents externally, including any extraction ventilation system for a cooking area, have been submitted to, and approved in writing, by the Local Planning Authority.

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All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall not exceed at any time a level of 5dB[A] below the existing background noise level, or 10dB[A] if there is a particular tonal quality when measured in accordance with BS4142:2014 at a point one metre external to the nearest residential or noise sensitive property.

Development shall be carried out in accordance with the approved details.

No plant, machinery or equipment shall be installed, other than in accordance with the approved details.

47. The non-residential buildings hereby permitted shall achieve Excellent under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). No non-residential building shall be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of Excellent has been achieved for that building, has been issued and a copy has been provided to the Local Planning Authority.

48. Notwithstanding the provisions for public access to the River Enborne shown on the Strategic Landscape and Green Infrastructure Plan (drawing number 04627.00005.16.632.13), prior to the occupation of 100 dwellings in Development Parcel North 1 details of the methods in which public access to the River Enborne will be restricted and prevented shall be submitted to and approved in writing by the Local Planning Authority.

Prior to the occupation of 150 dwellings within Development Parcel North 1 and subsequent provision of Parkland East shown on drawing number 04627.00005.16.306.15, the approved methods for the prevention and restriction of public access to the River Enborne shall be implemented in full accordance with the details approved.

At no time shall public access be allowed to the River Enborne.

49. No more than 300 homes hereby approved shall be occupied prior to the Main Access Road having been built to the boundary of the Site (denoted by Point B on Plan 14.273/928). For the avoidance of doubt, the alignment of the Main Access Road shall be determined pursuant to Condition 1 (Reserved Matters Approval – Layout).

50. The Main Access Road shall be built to the boundary of the Site (denoted by Point C on Plan 14.273/928) within 72 months (six years) of the commencement of development. For the avoidance of doubt, the alignment of the Main Access Road shall be determined pursuant to Condition 1 (Reserved Matters Approval – Layout)

51. No demolition or construction works or construction related deliveries shall take place outside the following hours:

7:30 to 18:00 Mondays to Fridays;

8:30am to 13:00 Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

52. The development hereby permitted shall not exceed 1080 dwellings.

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53. The 80 Extra Care Housing Units to be provided shall be used for C3 purposes only and for no other purpose, including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). This restriction shall apply notwithstanding any provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

54. The 'A Class' uses (A1, A2, A3, A4, A5) hereby permitted in the Local Centre shall not exceed a total of 2,150 sq.m. (gross internal floorspace).

55. The B1a use class hereby permitted in the Local Centre shall not exceed a total of 200 sq.m. (gross internal floorspace).

56. The D1 use class hereby permitted in the Local Centre shall not exceed a total of 500 sq.m. (gross internal floorspace).

57. There shall be no deliveries to any non-residential buildings outside the hours of 07:30 to 19:00 Monday to Saturday or at any time on Sundays or Bank or Public Holidays.

58. The 80 Extra Care Housing Units to be provided shall not be occupied other than by persons who have attained the age of 55 years, or the spouse or partner of such persons including a widow or widower(s), or, by exception and as agreed in writing by the Local Planning Authority prior to occupation, for people below the age of 55 years who are not able to live independently without assistance.

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Department for Levelling Up, Housing & Communities

www.gov.uk/dluhc

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand,London,WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act
With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act
Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

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