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Meeting of West Berkshire District Council

Thursday 6 December 2018

Summons and Agenda



WestBerkshire
C O U N C I L

To: All Members of the Council

You are requested to attend a meeting of

West Berkshire Council

to be held in the

Council Offices Market Street Newbury

on

Thursday 6 December 2018

at 7.00pm



Andy Day
Head of Strategic Support
West Berkshire District Council

Note: The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcast, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded.

Date of despatch of Agenda: Wednesday 28 November 2018

AGENDA

1. **APOLOGIES FOR ABSENCE**

To receive apologies for inability to attend the meeting (if any).

2. **CHAIRMAN'S REMARKS**

The Chairman to report on functions attended since the last meeting and other matters of interest to Members.



Agenda - Council to be held on Thursday, 6 December 2018 (continued)

3. **PRESENTATION OF THE WEST BERKSHIRE COMMUNITY CHAMPION AWARDS (C3659)**

The Chairman will present the following Community Champion Awards for 2018:

- Pat Eastop Junior Citizen of the Year
- Volunteer of the Year
- Community Group of the Year
- Lifetime Achievement Award

4. **MINUTES**

The Chairman to sign as a correct record the Minutes of the Council meeting held on 13 September 2018. **(Pages 9 - 14)**

5. **DECLARATIONS OF INTEREST**

To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).

6. **PETITIONS**

Councillors may present any petition which they have received. These will normally be referred to the appropriate body without discussion.

7. **PUBLIC QUESTIONS**

Members of the Executive to answer the following questions submitted by members of the public in accordance with the Council's Constitution:

- (a) **Question to be answered by the Portfolio Holder for Economic Development and Communications submitted by Mr Peter Carline:**

"What preparations are the council making for a no deal Brexit?"

- (b) **Question to be answered by the Portfolio Holder for Planning, Housing and Waste submitted by Mr Thomas Tunney:**

"Is it standard practice for the housing team to advise single parents struggling to pay their rent, to register as homeless, incur a CCJ when they get evicted and then get relocated to Slough miles away from their jobs and schools?"

- (c) **Question to be answered by the Leader of the Council submitted by Mr Thomas Tunney:**

"Why after Councillor Goodes was disqualified for non-attendance has there been no repayment of allowances paid to him?"



Agenda - Council to be held on Thursday, 6 December 2018 (continued)

- (d) **Question to be answered by the Portfolio Holder for Planning, Housing and Waste submitted by Mr Thomas Tunney:**
“What did the Council hope to achieve by issuing West Berkshire Homeless with an eviction notice on the portaloos deposited at one the the homeless camps?”
- (e) **Question to be answered by the Portfolio Holder for Planning, Housing and Waste submitted by Mr Thomas Tunney:**
“If the SWEP accommodation is not sufficient, rather than spending money on emergency accommodation, would the Council consider using the equipment owned by WBH to provide shelter in the perfectly sized and equipped council chambers and shower facilities?”
- (f) **Question to be answered by the Portfolio Holder for Corporate Services submitted by Mr James Thomas:**
“What steps is the Council taking to modernise IT service provisioning to save any of the circa £3m per annum it spends on Customer Services and ICT by embracing cloud-based software-as-a-service offerings for services like email and file storage?”
- (g) **Question to be answered by the Portfolio Holder for Finance, Transformation and Property submitted by Mr Steve Masters:**
“Rather than investing £100m on speculative commercial property investment, should the Council instead be spending that on local housing stock in order to change the lives of and keep the much needed younger people in the area to stem the demographic time bomb?”
- (h) **Question to be answered by the Portfolio Holder for Highways and Transport, Environment and Countryside submitted by Mr Steve Masters:**
“Can the Council confirm, for the benefit of Speen residents, that the proposed improvements to the verges (grass-crete) on Burchell Road and Digby Road are indeed imminent and will be completed within this current financial year (2018/19)?”
- (i) **Question to be answered by the Portfolio Holder for Highways and Transport, Environment and Countryside submitted by Mr Steve Masters:**
“Can the Council liaise with the emergency services and Sovereign Housing in order to carry out a risk assessment and explore options to ensure that emergency vehicles have clear and safe access to Talbot Close to reassure residents some of whom are frail and vulnerable?”
- (j) **Question to be answered by the Portfolio Holder for Health and Wellbeing, Leisure and Culture submitted by Mr Steve Masters:**
“With the current consultation underway for the latest round of proposed cuts to frontline services do council accept that several of the proposed cuts run contrary to and are likely to have a detrimental effect on the current priorities of the Health and Wellbeing Board?”



Agenda - Council to be held on Thursday, 6 December 2018 *(continued)*

- (k) **Question to be answered by the Leader of the Council/Portfolio Holder for Community Resilience and Partnerships submitted by Mr Eric Pattendon:**
“Would the Leader agree that not fulfilling your manifesto commitment to protect the neighbourhood wardens has increased the burden on policing at a time of rising crime?”
- (l) **Question to be answered by the Portfolio Holder for Planning, Housing and Waste submitted by Mrs Martha Vickers:**
“Can the portfolio holder explain why the showers and toilets at the unused council-owned football ground aren’t being utilised to help support homeless people?”
- (m) **Question to be answered by the Portfolio Holder for Planning, Housing and Waste submitted by Mr Tony Vickers:**
“What problems would the council envisage having to resolve if householders on benefits who wish to continue having their garden waste collected for free were given exemption from the charge?”
- (n) **Question to be answered by the Portfolio Holder for Corporate Services submitted by Ms Julie Wintrup:**
“Will there be a full public independent inquiry into the how the council breached EU law by entering into an unlawful agreement with St Modwen Developments Ltd?”
- (o) **Question to be answered by the Portfolio Holder for Corporate Services submitted by Ms Julie Wintrup:**
“How much has already been spent on defending the case brought by Faraday Development Limited including officer time and legal costs?”

8. **MEMBERSHIP OF COMMITTEES**

The Council to agree any changes to the membership of Committees.

9. **ADJOURNMENT OF THE MEETING**

At this point, the Council meeting will be adjourned to enable the Overview and Scrutiny Management Commission to meet to determine their Chairman and Vice-Chairman.

10. **RECOMMENCEMENT OF THE MEETING**

The meeting will be recommenced at the conclusion of the Overview and Scrutiny Management Commission.



Agenda - Council to be held on Thursday, 6 December 2018 (continued)

11. LICENSING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Licensing Committee met on 19 November 2018. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

12. PERSONNEL COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Personnel Committee met on 17 September 2018. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

13. GOVERNANCE AND ETHICS COMMITTEE

The Council is asked to note that since the last meeting of Council, the Governance and Ethics Committee met on 29 October 2018 (special) and 26 November 2018. Copies of the Minutes of these meetings can be obtained from Strategic Support or via the [Council's website](#).

14. DISTRICT PLANNING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the District Planning Committee has not met.

15. OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

The Council is asked to note that since the last meeting of the Council, the Overview and Scrutiny Management Commission met on 9 October 2018. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

16. JOINT PUBLIC PROTECTION COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Joint Public Protection Committee met on 18 September 2018. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

17. GREENHAM BUSINESS PARK LOCAL DEVELOPMENT ORDER (C3417)

To consider the adoption of the Greenham Business Park Local Development Order. **(Pages 15 - 210)**

18. COUNCIL RESPONSE TO GARDEN WASTE PETITION (C3669)

To respond to the Garden Waste petition submitted to the Council at the Executive meeting on 18 October 2018. **(Pages 211 - 230)**

19. STATEMENT OF GAMBLING PRINCIPLES (C3430)

To bring the Council's revised Statement of Gambling Principles, further to endorsement by the Council's Licensing Committee on 19 November 2018, to Full Council for approval. **(Pages 231 - 282)**

20. STATEMENT OF LICENSING POLICY (C3431)

To bring the Council's revised Statement of Licensing Policy, further to endorsement by the Council's Licensing Committee on 19 November 2018, to Full Council for approval. **(Pages 283 - 326)**

21. LEISURE CENTRE FEES AND CHARGES 2019 (C3657)

To implement the contractual requirement for an annual price review for 2019 for the leisure contractor to come into effect from 1st January 2019. **(Pages 327 - 340)**

22. AMENDMENTS TO THE CONSTITUTION (C3260)

To consider a number of amendments to Parts 2, 3, 10, 11 and 13 of the Constitution. **(Pages 341 - 384)**

23. PROPOSED MEMBER INDUCTION AND DEVELOPMENT PROGRAMME - 2019/20 (C3632)

To give consideration to, and agree, the proposed Member Induction and Development Programme for 2019/20 following the forthcoming District Council Election in May 2019. The programme was considered and endorsed by the Member Development Group on 24 September 2018. **(Pages 386 - 400)**

24. 2019/20 WEST BERKSHIRE COUNCIL TIMETABLE OF PUBLIC MEETINGS (C3658)

To recommend a timetable of meetings for the 2019/20 Municipal Year. **(Pages 401 - 408)**

25. SUSTAINABLE DRAINAGE SYSTEMS (SUDS) SUPPLEMENTARY PLANNING DOCUMENT (SPD) (C3660)

- (1) To consider the representations (as attached in Appendix C) received in response to the consultation on the Sustainable Drainage Systems Supplementary Planning Document (SuDS SPD) undertaken between 11 June and 23 July 2018.
- (2) To consider whether any revisions need to be made to the SuDS SPD in light of these representations.
- (3) To consider the adoption of the SuDS SPD as attached in Appendix D. **(Pages 409 - 504)**



26. **NOTICES OF MOTION**

- (a) **The following Motion has been submitted in the name of Councillor Lynne Doherty:**

“That this Council adds its voice to the All Party Parliamentary Group for Nursery Schools, Nursery and Reception Classes and our own MP Richard Benyon to call on the Government to take action to ensure nursery schools are financially sustainable for the future when the current supplementary funding ends in England in March 2020.”

27. **MEMBERS' QUESTIONS**

Members of the Executive to answer the following questions submitted by Councillors in accordance with the [Council's Constitution](#):

- (a) **Question to be answered by the Portfolio Holder for Health and Wellbeing, Leisure and Culture submitted by Councillor Alan Macro:**

“Why is Newbury football club not being allowed to use the football ground until the replacement is available?”

- (b) **Question to be answered by the Portfolio Holder for Health and Wellbeing, Leisure and Culture submitted by Councillor Lee Dillon:**

“Will you make provision for a grant of £50k in each of the next two years to the Corn Exchange so that the funding-reduction is easier to manage?”

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



Agenda Item 4.

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

COUNCIL

MINUTES OF THE MEETING HELD ON THURSDAY, 13 SEPTEMBER 2018

Councillors Present: Steve Ardagh-Walter, Peter Argyle (Vice-Chairman), Howard Bairstow, Pamela Bale, Jeremy Bartlett, Jeff Beck, Dominic Boeck, Graham Bridgman, Jeff Brooks, Paul Bryant, Jeanette Clifford, Hilary Cole, James Cole, Jason Collis, Richard Crumly, Lee Dillon, Lynne Doherty, Billy Drummond, Sheila Ellison, Marcus Franks, James Fredrickson, Dave Goff, Manohar Gopal, Paul Hewer, Carol Jackson-Doerge (Chairman), Marigold Jaques, Mike Johnston, Graham Jones, Rick Jones, Alan Law, Tony Linden, Mollie Lock, Gordon Lundie, Alan Macro, Tim Metcalfe, Ian Morrin, Graham Pask, Anthony Pick, James Podger, Garth Simpson, Richard Somner, Virginia von Celsing, Quentin Webb, Emma Webster and Laszlo Zverko

Also Present: John Ashworth (Corporate Director - Environment), Joanne Bassett (Public Relations Assistant), Tandra Forster (Head of Adult Social Care), Shiraz Sheikh (Principal Solicitor), Gabrielle Mancini (Group Executive - Conservatives) and Jo Reeves (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor Dennis Benneyworth, Nick Carter, Councillor Anthony Chadley, Councillor Keith Chopping, Councillor Adrian Edwards, Councillor Clive Hooker, Honorary Alderman Royce Longton and Councillor Anthony Stansfeld

Councillor Absent: Councillor Rob Denton-Powell

PART I

34. Chairman's Remarks

The Chairman reported that she, the Chairman's consort and Vice-Chairman had attended 26 events between them since the last Council meeting. Councillor Carol Jackson-Doerge made specific mention of the Family Hubs second birthday celebration.

The Chairman noted the launch of the Community Champion Awards asking Members to promote the awards and to submit nominations.

Finally, the Chairman announced that Dr Kevin Hawkins OBE had sadly passed away that week. Dr Hawkins was Vice-Chairman of Pangbourne Parish Council. The Council sent thoughts and sympathy to his wife and thanks for his contribution as a Parish Councillor.

35. Minutes

The Minutes of the meeting held on 03 July 2018 were approved as a true and correct record and signed by the Chairman.

36. Declarations of Interest

There were no declarations of interest received.

37. Petitions

There were no petitions presented to the meeting.

38. Public Questions

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

- (a) A question standing in the name of Mr Gabriel Stirling on the subject of why Councillor Boeck had not been removed from the Executive was answered by the Leader of the Council.
- (b) A question standing in the name of Mr Simon Pike on the subject of the Council's participation in the Rural Connected Communities project was answered by the Portfolio Holder for Economic Development and Communications.

(Councillor Jeremy Bartlett joined the meeting at 7.07pm.)

39. Membership of Committees

There had been no changes to the membership of Committees since the previous Council meeting.

40. Licensing Committee

The Council noted that, since the last meeting, the Licensing Committee had not met.

41. Personnel Committee

The Council noted that, since the last meeting, the Personnel Committee had not met.

42. Governance and Ethics Committee

The Council noted that, since the last meeting, the Governance and Ethics Committee had met on 30 July 2018 and the special meeting on the 08 August 2018.

43. District Planning Committee

In a correction to the information provided on the summons, the Council noted that since the last meeting, the District Planning Committee had met on 11 July 2018.

44. Overview and Scrutiny Management Commission

The Council noted that, since the last meeting, the Overview and Scrutiny Management Committee had met on 10 July 2018.

45. Joint Public Protection Committee

The Council noted that, since the last meeting, the Joint Public Protection Committee had not met.

46. Family Hub Fees and Charges (C3633)

The Council considered a report (Agenda Item 14) which set out a request to change the fees and charges for Family Hubs part way through the year.

MOTION: Proposed by Councillor Lynne Doherty and seconded by Councillor Rick Jones:

That the Council:

1. "approves the proposed in-year changes (to introduce new fees and charges for activities) to the fees and charges within Family Hubs across West Berkshire.
2. Introduces the charges in two phases. The first from September 2018 until March 2019 providing a transition from voluntary contributions to fixed charges and a booking system. This would be followed by a review of the booking system,

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income generation and feedback moving to a full programme of charges from April 2019.”

Councillor Lynne Doherty noted that since 2016, voluntary contributions had been made towards activities at Family Hubs. By setting Fees and Charges, the Council would ensure that the amounts requested were made consistent across the District. It was proposed to trial the system and undertake a review in advance of the Council meeting in March 2019.

Councillor Mollie Lock expressed concern that the fees and charges were not made clear in the report and requested that the proposal be worked on further.

Councillor Lee Dillon stated that the Council was being asked to approve ranges, rather than specific fees and charges, which was not usual practice. He questioned the legality of the proposal.

Councillor Alan Macro asked how low income families would be supported to access activities at Family Hubs. He expressed the view that the consultation should have been repeated since 2016.

Councillor Doherty responded that the Family Hubs would continue to offer activities that were good value for money, for example a voluntary contribution of £6 would be requested for baby massage which was £20 on the open market. The range of £2 to £6 would offer flexibility to trial the system before incorporating set fees and charges into the Council's budget. Any child with a Child Protection Plan or Child in Need status would be exempt from fees and referring agencies would be asked to provide information regarding any vulnerabilities. Targeted activities would remain free. Feedback was continuously sought from users of the Family Hubs and the Family Hubs Advisory Board, of which Councillor Lock was a member, had received that information.

At the request of the Chairman, Shiraz Sheikh confirmed that Legal Services were satisfied with the proposals.

Councillor Rick Jones express his support for the recommendations and stated that he recognised that Family Hubs were a valuable resource which support good health and wellbeing outcomes for children. The proposals would improve the sustainability of Family Hubs.

The Motion was put to the meeting and duly **RESOLVED**.

47. Notices of Motion

(a) Unauthorised Encampments

The Council considered the under-mentioned Motion (Agenda item 15a refers) submitted in the name of Councillor Alan Macro relating to the assessment of the susceptibility of the Council's green areas in towns and villages to unauthorised encampments.

The Chairman informed the Council that the Motion would be referred to the Executive without debate.

MOTION: Proposed by Councillor Alan Macro and seconded by Councillor Lee Dillon:

That:

- “1) There were a large number of unauthorised encampments in the district this year.
- 2) Several of these were on land owned by the Council.
- 3) There are many green areas in towns and villages that are owned by the Council and that are vulnerable to unauthorised encampments.

COUNCIL - 13 SEPTEMBER 2018 - MINUTES

4) The police are restricted by guidance from the Chief Police Officers Council in their use of their powers under Section 61 of the Criminal Justice and Public Order Act 1994 to direct persons to move off unauthorised sites.

The Council therefore resolves that an assessment of the susceptibility of each of its green areas in towns and villages to unauthorised encampments be urgently carried out. The assessment should assess each site on its vulnerability to incursions and the likely impact on nearby homes. The assessment to be used to prioritise a programme to improve the security of the sites against future incursions.”

(b) Sky Lanterns

The Council considered the under-mentioned Motion (Agenda item 15b refers) submitted in the name of Councillor Jeanette Clifford relating to the use of sky lanterns on land controlled and operated by the Council.

The Chairman informed the Council that the Motion would be debated at the meeting.

MOTION: Proposed by Councillor Jeanette Clifford and seconded by Councillor Tim Metcalfe which included the amendment tabled in writing at the meeting

That the Council:

“agrees that the use of sky lanterns on properties which are controlled and operated by West Berkshire Council should be banned.

It calls on the Leader to write to West Berkshire MPs, other Berkshire authorities, West Berkshire town and parish councils, the LGA, DEFRA and MHCLG confirming a ban in West Berkshire and calling for a ban throughout England and Wales.

Also known as ‘Chinese’, ‘Wish’, ‘Floating’ and ‘Party’ Lanterns, Sky Lanterns are made from paper over wire or bamboo frames and have an open flame heat source.

Increasingly popular, it is estimated that 200,000 are released in the UK each year but - beautiful though they are - they are deadly to wildlife, present a real risk of fire to buildings and land, can be mistaken for emergency flares, and end up littering our lovely countryside.

The RSPCA has called for a ban, as have the Marine Conservation Society, the NFU and others. West Berkshire should heed that call and members are urged to support this Motion.”

The Motion was put to the vote and declared **CARRIED**.

(c) Councillors’ Behaviour

The Council considered the under-mentioned Motion (Agenda item 15c refers) submitted in the name of Councillor Jeff Brooks relating to Councillor’s behaviour.

The Chairman informed the Council that the Motion would be debated at the meeting.

MOTION: Proposed by Councillor Jeff Brooks and seconded by Councillor Lee Dillon:

That the Council:

“Goodwill and respect is essential from all Councillors to achieve the good working needed to best represent the people of West Berkshire.

Accordingly, this Council resolves to remain respectful at all times to members of the public and Councillors of both political Parties, acknowledging their right to disagree and have different policies and objectives, without resorting to unpleasant and vituperative comments which simply sour relations and undermine political goodwill.”

The Motion was put to the vote and declared **CARRIED**.

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48. Members' Questions

No questions were submitted by Members.

(The meeting commenced at 7.00pm and closed at 8.07pm)

CHAIRMAN

Date of Signature

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Greenham Business Park Local Development Order

Committee considering report:	Council on 6 December 2018
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	22 November 2018
Report Author:	Michael Butler
Forward Plan Ref:	C3417

1. Purpose of the Report

- 1.1 The National Planning Policy Framework (NPPF) in 2012 and the revised version in July of this year, has placed considerable emphasis on promoting employment development in the UK, in order to improve prosperity, and economic growth remains one of the key objectives of sustainable development set out in the NPPF. The NPPF of 2018 now actively encourages Local Planning Authorities to consider the adoption of Local Development Orders (LDOs) and Officers and Members have expressed support for the principle of using LDOs in order to support appropriate areas for economic development within the District. Greenham Business Park has been recognised as an opportunity for the Council to work with the Park's Management team to implement an LDO and provide some Planning certainty, beyond Planning Policy commitments, with regard to assumptions that can be made about future development at the site.
- 1.2 A Local Development Order (LDO) provides a streamlined planning process that Local Planning Authorities (LPA) can adopt to boost development in their areas. The National Planning Policy Framework encourages LPAs to use LDOs to effectively grant advance planning permission in suitable locations. This deals with all the key planning issues and sets out development parameters or 'ground rules', for example maximum building height, but leaves considerable flexibility over exactly how and where new buildings can be developed within the agreed areas of the site.
- 1.3 The advantage of an LDO over the normal planning application process, or more traditional masterplan, is that it helps existing businesses and potential new investors commit to investing in a property. They know they can develop it to meet their needs within these broad parameters, and without the usual cost, time and potential risk involved in a full planning application.
- 1.4 If an LDO is adopted, proposals that are within the agreed development parameters will be able to proceed following the submission of a pre-development notification to the council, reducing the time it takes for LPAs to process the notification to three weeks. This is a significant time saving compared to normal planning applications. For applicants and the council, it also means significantly less time and cost is involved in preparing and considering an application, as all the key planning issues have already been addressed. The overall effect is a significantly streamlined planning process. Appeals can still however be made under s 78[1] of the 1990 Act.

- 1.5 While the LDO does not relate to a specific project, in practice the first development allowed under the LDO could commence within a matter of a couple of months of its adoption. However, there will be a standard range of conditions which must first be approved by the LPA, before any new building can start.
- 1.6 When the Greenham Trust (the Trust) acquired the USAAF Greenham Base in 1997, it gifted 304 hectares of common land back to the council. The Trust retained the former Technical Area of the air base, now established as Greenham Business Park, for development. The existing planning permission includes a masterplan for the site, but this has proved to be too inflexible to adapt to evolving market demand. Of the permitted 154,000 square metres of development, only around 40% has been used, therefore there remains significant scope for growth.
- 1.7 The Council seeks to encourage the continued regeneration of the former military base into a thriving business park, by the focusing on traditional business uses, including offices, Research & Development, industrial uses and storage and distribution. This will allow for a mix of businesses and complementary uses (including, strictly limited amounts of small-scale retail, car sales and leisure uses).
- 1.8 Approximately 25% of the existing accommodation is new build. Many of the 'legacy' buildings from the air base remain, and these generally achieve lower rental values as they are less fit-for-purpose. The LDO aims to encourage redevelopment with more modern, visually attractive and user focussed accommodation, which should lead to an increase in business rate generation over the coming years. It will also allow the Trust to distribute more funds towards local good causes.
- 1.9 In a competitive economy, the speed and certainty brought by a LDO can prove to be the key issue for businesses deciding whether to invest in the area or go elsewhere. It also benefits the LPA and other local stakeholders by managing the site in a comprehensive and streamlined framework, rather than piecemeal, and reduces the need to repeatedly assess similar planning issues.
- 1.10 This is why the Greenham Business Park LDO has been prepared by the council's planning officers with the involvement of the Trust, and its planning consultant Pro Vision. It has been drafted to cover a period of 15 years, with mandatory reviews every 5 years to ensure it is delivering its objectives, and provides a framework for managing the impacts of development permitted within the park and the surrounding area, particularly on the northern boundary which adjoins the Common, and to the east where there are a number of dwellings. If necessary the LDO can be revoked at any time, but the Council would have to consult on this process.
- 1.11 The document sets out a series of development parameters based on a zonal plan, which includes an overall cap on total floor space within the business park and the land uses that are permitted. The cap is identical to the amount of floor space already permitted under the existing outline and reserved matters permissions on the site. Proposals falling within these parameters can proceed following a pre-development notification to the council. Proposals falling outside of these parameters will remain subject to the normal planning application process. A series of technical studies, including landscape assessment, heritage assessment, ecological surveys and traffic assessment, have informed the development parameters. For example, building heights are restricted on the northern boundary to control the visual impact from the Common. A number of planning conditions are also specified, including, for example those for managing noise impacts and

external lighting. All future development proposals [with the exception of minor and miscellaneous development] will also have to comply with the Design Guidance, which addresses the appearance of buildings and other matters to control the impact of development.

2. Recommendation

- 2.1 That Full Council formally adopts the Greenham Business Park Local Development Order as appended to this report.

3. Implications

- 3.1 **Financial:** The notification fees will be lower than planning applications fees so there will be some loss of planning fee income; however it is anticipated that officer time and public cost of processing future applications at the Park will fall as a consequence. However assuming the LDO increases local business schemes at the Park, business rates will rise for the Council. There are no implications for the Council CIL charging schedule which remains in force, unaffected by the LDO designation
- 3.2 **Policy:** The LDO accords with policy CS9 in the Core Strategy and with the NPPF2.
- 3.3 **Personnel:** None.
- 3.4 **Legal:** Legal have been consulted on the report attached.
- 3.5 **Risk Management:** It is conceivable that should the LDO be adopted it may be the subject of a legal challenge. Officers have sought to minimise this risk by taking a second consultation round, and by consulting legal colleagues.
- 3.6 **Property:** Nil. The Council has no property holdings at the Park.
- 3.7 **Other:** An equalities impact assessment has been carried out for the LDO proposal.

4. Appendices

- 4.1 Supporting Information – Full Report
- 4.2 Appendix 1 - The LDO—Final version includes conditions, plans and design guidance.
- 4.3 Appendix 2 - Equalities Impact Assessment.
- 4.4 Appendix 3 - Summary of responses received to first consultation round.
- 4.5 Appendix 4 - As above –second consultation round.

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Greenham Business Park Local Development Order – Full Report

Committee considering report:	Council on the 6 December 2018
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	22 November 2018
Report Author:	Michael Butler
Forward Plan Ref:	C3417

1. Background

Local Development Orders

- 1.1 The National Planning Policy Framework (NPPF) in 2012 and the revised version in July of this year, has placed considerable emphasis on promoting employment development in the UK, in order to improve prosperity, and economic growth remains one of the key objectives of sustainable development set out in the NPPF. The NPPF of 2018 now actively encourages Local Planning Authorities to consider the adoption of Local Development Orders (LDOs) and Officers and Members have expressed support for the principle of using LDOs in order to support appropriate areas for economic development within the District. Greenham Business Park has been recognised as an opportunity for the Council to work with the Park's Management team to implement an LDO and provide some Planning certainty, beyond Planning Policy commitments, with regard to assumptions that can be made about future development at the site.
- 1.2 An LDO seeks to achieve a streamlined planning process whereby certain schemes will not require the submission of a full planning application. Instead of dealing with individual applications in a piecemeal way as they come forward, detailed consideration is given at an early stage, to the specific issues presented by the site itself and the type of development that it might accommodate. That assessment has regard to adopted local policy, the various social, economic and environmental impacts that stipulated development types might have, the physical consequences of that development and how any impacts can be avoided, controlled and mitigated. The results of that assessment will prescribe what types of development and use will be acceptable on a site, the quantum of that development, specific appropriate locations and other specific parameters (eg height and design).
- 1.3 Once those prescribed parameters are established, and importantly, conditions are established to control their implementation and use, they can be adopted by the Authority and relied on by land owners/developers to give certainty about land use and commercial expectations. That adoption is in the form of a Local Development Order.
- 1.4 With an LDO in place there is no need for a planning application to be made for development that is permitted by it and which complies with its set parameters and conditions. Instead, the developer has to submit a formally prescribed Notification to the Local Planning Authority (LPA) of the precise development proposed, in order

that the LPA can confirm that the proposal complies with the terms of the LDO. If confirmed, the development can progress as planned, however if compliance with the LDO is not confirmed, the developer would have to submit a normal Planning Application for that development which would be considered in the usual way.

Greenham Business Park

- 1.3 Greenham Business Park [(GBP) is one of the key employment areas in the District. It lies immediately to the south of Greenham Common about 3 miles distant from Newbury Town Centre. It is accessed from the A339 via two roundabouts although there is pedestrian and cyclist access to the Common to the north. The Business Park was formerly the technical area for the USAAF airbase, which was occupied by the MOD until 1992. In 1997 the Greenham Common Trust purchased the airbase in a partnership with Newbury District Council. The Council now owns the Common which is open land for public recreation, whilst the airbase built up area has become the Business Park.
- 1.5 In 1994 Newbury District Council published a planning brief for the airbase as a whole. The purpose of this was to examine in detail the opportunities available at the airbase and beyond, in conjunction with the Defence Land agent, operating on behalf of the MOD at the time. The technical area was identified as Area “E”, where all development options were carefully considered, including housing on this brownfield site. Ultimately a principal employment use was agreed.
- 1.6 Relevant to the use and development of the site, the Council adopted a District Wide Local Plan for the period of 1991 to 2006. As part of that Development Plan, policy ECON6 sought to protect the airbase for the future in terms of employment land and opportunities for the public. This policy allowed for new business schemes subject to a range of considerations relating to harm to local amenity, transport impacts, restrictions on office development, comprehensive drainage, and restoration of the Common to the north. This policy was successful in the sense that it was the precursor to an outline planning permission being granted across the Technical area under application number 145585 in March 1997, for just under 154,000m² of B1, B2 and B8 development. In addition sports and leisure schemes, waste schemes, and a museum and day nursery were also permitted. Following on from this outline permission, a reserved matters permission was granted in December 2002 under reference 02/02048/resmaj, which covered external appearance, means of access, siting, design and landscaping. A range of new developments has been now built out on the Park following on from this, and that valid and extant planning permission covers the whole of GBP.
- 1.7 That outline permission was subject to a legal agreement which ensured substantial payments which would mitigate the impact of the development, primarily in transport terms. This involved in large part the construction and improvement of the two roundabouts accessing the Park from the A339. It also included the construction of a significant landscaped bund to the northern perimeter of the site to the Common, which is a Site of Special Scientific Interest (SSSI). This was essentially for containment and visual screening purposes. This bund is now almost 20 years old and is becoming increasingly effective in this screening, and has a valuable ecological function.
- 1.8 Since 1997, development of the Park has been ongoing, although it is estimated that only 40% of the approved space has actually been built out on the site,

equating to 64,300 sq M. Much of the remaining land is however put to some sort of commercial function such as open car storage, cafes, car repairs etc, which all provide employment but not in significant numbers. Recent development has resulted in the new exemplar building of Jaguar Rover at the main entrance, which now employs in excess of 100 staff, and there is a current application (number 18/02417/comind) for a new B2 (general industrial) unit for a Company already growing on the Park. This should be beneficial for the wider economy, particularly in providing a wide range of jobs.

- 1.9 When the Council adopted its Core Strategy in 2012, the Business Park was specifically highlighted under policy CS9. The Core Strategy notes that along with the Vodafone HQ and the AWE, the Park is a strategically important employment designation in the District.

The LDO Process

- 1.10 In 2015 the Government published the Town and Country Planning (Development Management Procedure) (England) Order, of which Article 38, sets out the legislative background for the creation of an LDO and the procedure for adopting an LDO.
- 1.11 As with normal, large scale development proposals, at the outset the LPA is required to carry out a ‘Screening’ exercise to assess whether the extent of the proposals under consideration is such that it would be necessary to obtain and consider a formal Environmental Statement in terms of the Environmental Impact Assessment (EIA) Regulations 2017. This screening exercise was carried out and a conclusion reached that it was not necessary to produce a formal Environmental Statement. That decision was recorded on the Planning Register on 9th December 2016 and further assessment was made and recorded on 30th October 2018.
- 1.12 Whilst with regard to the EIA Regulations it was concluded that a formal Environmental Statement was not required, it is clear that social and environmental matters have to be considered carefully as part of this proposed LDO. GBP Trust therefore commissioned and provided a range of initial supporting studies which would inform the production of the LDO. The studies included a transport assessment, a heritage impact assessment, a landscape and visual appraisal, a lighting assessment, and a flood risk assessment. Also provided is a contaminated land assessment and a phase 1 and 2 ecological study. These are lengthy and comprehensive studies which officers and consultees have carefully examined in accordance with their associated expertise. The overall conclusion is that the studies form a valid baseline position which appropriately inform the final LDO and the thresholds/ parameters identified.
- 1.13 Legislation requires that the LPA must undertake to publish a draft of the Order for public and stakeholder consultation, and also set out a statement of the reasons for making the Order. It is on this statutory basis that the LDO for the Business Park has been considered and drafted for consideration by Council.
- 1.14 Attached as Appendix 1 to this report is the proposed LDO for the site which is comprised of the full text of the LDO itself, and the following appendices:

A - LDO plans

B - Planning conditions

C - Design Guidance

D - Pre development notification form

E - Framework Travel Plan

F - Base line Floor space 2017

G - Diagrammatic summary of the decision making process under the LDO.

- 1.15 The required Statement of Reasons for proposing/adopting the LDO is included as section 2 of the LDO itself.

The Local Development Order

- 1.16 The LDO as proposed for GBP sets out a **statement or reasons** as to why the LDO is being promoted by the Council. The Statement is at section 2 of the attached copy of the proposed LDO. The Council was encouraged in this process by the support for LDOs in the NPPF of 2018 from July of this year. The reasons are therefore as follows. Whilst implementation of the extant planning permission identified above has clearly commenced, a significant proportion of the outstanding permitted space has not yet been built out. This amounts to a “wasted land resource” which could be put to more effective employment generating use. So the prime objective of the LDO is to catalyse the current regeneration of the Park, and so support the local economy in accordance with adopted local policy and National policy. It also will provide a clear framework upon which future schemes can be carefully assessed, via the Notification process, to ensure good place making, improvement of accessibility and amenity on the Park, and the conservation of local wildlife plus respecting local historic interest and neighbouring land uses. The LDO has been prepared in order to provide certainty and to simplify the local planning process but also retaining the necessary level of (up-front) control whilst permitting a greater degree of flexibility. This will help the Park as a strategically important employment area for the District and beyond. Whilst the process is simplified it is not “weakened” in any way, but rather the LDO will still provide a robust and transparent route to the approval of new development at the Park, as an alternative to the normal planning application route.

- 1.17 The precise description of development that will be allowed by the LDO is as follows:

Offices (B1a), research and development(B1b) , light industry, (B1c)general industry, (B2) storage and distribution,(B8) sui generis (ie the data centre as existing plus motor vehicle sales eg Jaguar Land Rover) , shops,(A1) restaurant and cafes, (A3) plus small elements of non-residential institutions (D1) and assembly and leisure([D2) Associated minor operational development will also be permitted in conjunction with the above proposed uses. Any other forms of development proposed by GBP may still proceed at the Park, but these will have to be assessed via the normal planning application process.

- 1.18 The LDO then sets out in tabular form the agreed development parameters. These correspond to a range of primary uses, which are as follows. B1, B2, B8, and the data centre [sui generis] .Secondary uses are A1, A3, D1, D2 and other sui generis

of motor vehicle sales. Table A in the LDO identifies the general parameters to be applied to each of the distinct land uses involved. Parameter 1 restricts the overall floor space to the original outline permission. Parameter 2 allows all the primary uses to be unrestricted, but subject to other restrictions as set out in table B (see below). Parameter 3 notes that all the secondary uses are restricted to an upper limit of 28,715m² ie 20% of the total floor space permitted across GBP. Parameter 4 identifies the location of each zone of development on the Park, which is identified on the plans appended to the LDO. Parameter 5 restricts any development in zone D to minor permitted development, in order to protect settings of local historic interest, and parameter 6 notes nil development in zone E other than landscaping works, to protect local ecology etc. Finally parameter 7 restricts overall building heights to various maximums certain specified zones (also LDO plan 3), thereby restricting visual impact particularly from longer views across the Common to the north.

- 1.19 Table B in the LDO sets out in detail the proposed permitted land uses, having regard to the Town and Country Use Classes Order of 2005 as amended. B1a space is limited to 22,800m², B1b space to 7,600m², whilst B1c is unlimited subject to parameter 1. General industry (B2) is unlimited, but no waste management or open air industrial processes are allowed, primarily in the interest of local amenity. B8 is restricted to 76,000m². This is to ensure vehicle movements in terms of HGVs is not excessive and overall job density is not too low. In terms of sui generis uses, (data centre), this is restricted to 17,130m². This reflects the Nationwide centre already on site, but also the remaining floor space which is extant which could be built out at any time. In terms of the secondary uses, (see above) A1 shops is restricted to 750m² as to permit more would be contrary to extant policy in the NPPF and local plan. It is also to help manage traffic impacts. For A3 uses the same applies, up to 300m². For D1 uses (eg creches and day nurseries) these are restricted to 200m². This is because this level is considered to support existing and future potential employees on the Park, and no more, as this again would be contrary to policy, and create unnecessary traffic impacts. For D2 uses (eg gyms and outdoor sports), these are restricted to 3000m², again for traffic impact reasons but is also important to note the encouragement of sporting uses under ECON6. Finally sui generis uses of motor vehicle sales, are restricted to 14,000m².
- 1.20 The next section of the LDO deals with changes of use, which can only occur if they are in accordance with the above restrictions, or are permitted via the provisions of the national General Permitted Development Order (GPDO) of 2015 as amended. As regards minor operational development, these are listed in the LDO, indicating what will be permitted without recourse to the formal notification process: these include such things as hard and soft landscaping, and street lighting, CCTV etc. Demolition is automatically permitted where that demolition is required to facilitate development permitted by the LDO. Such demolition however will be subject to conditions in Appendix B, with for example dust suppression, times of working, and noise, in respect of protecting local amenity.
- 1.21 **Appendix A** of the LDO includes the relevant plans forming part of the LDO. **Plan 1** identifies the extent of the LDO designation. This was based upon the original outline planning permission red line boundary, [145585], which in turn informed the ECON6 boundary identified in the District Wide Local Plan 1991 to 2006. The boundaries are not identical, but are very similar. By way of example of the reason they differ slightly, an LDO cannot accept any listed buildings in its remit, so the 2 listed buildings to the north-west form no part of the LDO. Accordingly whilst the

overall Business Park area is 60.9ha the area of the LDO as proposed is 53.2ha. The area of the LDO excludes any green field sites, and any SSSIs. **Plan 2** identifies the coloured zones in which the various uses will be permitted. Plan 2 identifies all the various zones for the site as identified in table1. Zone A (the primary uses) washes over the 50% of the Park area, and includes all of the northern sector of the designation, and all of the western half, but excludes zone D where there is no new building permitted as this is within the setting of the listed buildings. Zone B relates to where mixed uses are permitted—this corresponds to both primary and secondary uses. This zone, in a mauve colour, occupies the central southern portion of the Park, with the triangle of land between the two principal access roads falling into this category, plus a section of land to the east. Zone C in a blue colour, lies to the south east sector of the Park which is deemed to be the most sensitive having regard to adjacent residential amenity :a number of dwellings lie in relatively close proximity to this designation. Accordingly, whilst all mixed uses are permitted here, excluded are B2 (General Industrial) and B8 (storage and distribution) uses which might [even when controlled by condition] have had some impact potentially on adjoining amenity. B1 uses by their very definition are uses that can be carried out in a residential area without detriment to that area. This sector anyway already has a range of modern buildings upon it, fairly recently redeveloped. The plan also shows the boundaries which are ecologically sensitive in terms of lighting and these boundaries include all those to the eastern perimeter, and to the northern boundary with the Common. Zone E on the plan indicates zones of known ecological importance, which have been surveyed in the original phase 1 and 2 surveys. These include the land to the west of the existing data centre (although an extant consent lies on this land parcel for future development already), and land to the north of the present data centre, plus some of the land adjacent an existing depot south of the EPC site. This designation requires the possibility of additional ecological mitigation being needed, should development proceed. This is in accord with policy CS17 in the WBCS and NPPF advice.

- 1.22 **Plan 3** relates to zones for proposed maximum building heights. Therefore any Notification which proposed a building which exceeds the height in that particular zone, would not be accepted, but could then be considered under a normal planning application. The layout of the zones has been informed firstly by a professionally undertaken landscape critique which concluded, [inter alia] that building heights on the northern boundary should not exceed that of the existing building in the north west corner area of the site, (the EPC building),and proposing some future variation in heights where possible. Additional gaps between built-form should be included to provide some visual relief. Further into the Park where the land naturally falls, building heights can be higher. Aspects of design are also important. On the plan the first zone 1A relates to a band of land about 15m wide, where no building can be over 7m in height. South of this is Zone 1B , where buildings can be 12m high , and no more than 10m to eaves height. This is slightly lower than the EPC building which is 13m high. This zone extends across most of the northern plateau area where car storage and other Distribution units exist. To the south of this, lies Zone 2A, where buildings can be up to 14m high. This addresses the natural contours of the Park, and so lies largely in the north western sector of the Park. Zone 2B allows buildings up to 16m high and corresponds to a large swathe of land from the north east sector of the Park to the south west section. The latter includes the Nationwide Data Centre for example. Finally in the south eastern portion of the Park, Zone 3 permits buildings up to 11m in height. This is important having regard to this areas

proximity to dwellings to the east. Essentially the form of the above zoning has been informed not only by the landscape and visual assessment, but also by an additional critique of the original assessment, which in its conclusions refined the height limits noted. The Zoning plan has also been informed by the approved heights of buildings as already permitted under the extant reserved matters permission, of 02/02048/resmaj. It is accordingly officers view that should the LDO be adopted, the additional visual impact caused by new buildings permitted by the LDO will be constrained by Plan 3 satisfactorily , having regard to the advice contained in policy CS19 in the Core Strategy. This is particularly in regard to longer distance views of the Park available from the South and North.

1.23 **Appendix B** of the LDO relates to conditions which will apply (where relevant) to any notifications approved by the Council. There are 16 conditions in total each of these in turn so the Council is aware of the contents. The reasons for each condition are identified in the table appended.

(1) Condition 1 ensures that all development is in general conformity with the as approved Design Guidance (appendix C).

1.24 Condition 2 seeks to ensure that the ecological baseline for the LDO is kept up to date, as habitat change can occur over the LDO period.

1.25 Condition 3 relates to protecting any bats found in buildings to be demolished,

1.26 Condition 4 to the conservation of other protected species via up to date surveys.

1.27 Condition 5 relates to tree protection,

1.28 Conditions 6 and 7 relate to vehicle and cycle parking plus access and turning.

1.29 All the highways in the Park are on private land and so are not adopted by this Council, but standards should still apply for safety and amenity reasons in accord with policy CS13 in the Core Strategy.

1.30 Condition 8 relates to contaminated land,

1.31 Conditions 9 and 10 to external lighting, for reasons of ecology and amenity. Given the Parks location light pollution is an important issue to be controlled in accord with NPPF advice.

1.32 Condition 11 relates to SUDs which in the light of the Councils new SUDs strategy is clearly an important component for the Park, given its extent , its location, and also to the amount of existing hardstanding existing.

1.33 Condition 12 relates to a CEMP, which is necessary as local amenity needs to be protected having regard to demolition and construction processes, and in regard to the conservation of protected species around the site.

1.34 Condition 13 corresponds to noise assessment: Class B2, B8 or any air handling equipment shall be subject to such an assessment having regard to local amenity— saved policy OVS6 in the WBDLP refers.

1.35 Condition 14 also bears in mind amenity considerations and relates to odour.

- 1.36 Condition 15 ensures that trade counters are restricted, to ensure retail uses are controlled on the Park,
- 1.37 Condition 16 relates to a Travel Plan compliance statement, to ensure reliance on the private car is minimised. Officers accordingly conclude that any development approved by the LDO will be adequately controlled, with little or no harm flowing as a consequence. In this regard it is important for the Council to note that whilst the LDO is a streamlined planning process, all the planning work in assessing “ applications” is undertaken in advance, so controls are not lessened in any way.
- 1.38 **Appendix C of the LDO relates to the Design Guidance.** This is a document which complements both the guidance on design in the NPPF of 2018, plus those policies in the Development Plan. Firstly it examines layout and movement. The design of building frontages and set backs are considered and how they should be landscaped for the hierarchy of primary and secondary roads in the Park. Secondly the document examines the overall landscape strategy to be applied to new development as it proceeds in order to not only produce a Business Park which is internally attractive and pleasant, as is the present entrance point at Albury Way, but also to provide appropriate visual mitigation around the perimeters of the Park, in order to minimise external impact, much as the northern bund does at present. This guidance takes into account not only the height zones identified above, but also promotes additional tree planting across the Park where needed. This fully accords with policy CS18 in the Core Strategy which corresponds to protecting and encouraging green infrastructure. The next section of the Guidance seeks to conserve the setting of the areas of historic interest such as the listed buildings. Architecture and design of new buildings is also taken into account, in section C of the Guidance. This relates to, for example, the nature of external facing materials to be allowed at the Park, plus the massing, scale and orientation of new buildings. Sustainability and adaptability is examined in section D, such as the future provision of electric charging points for vehicles, and the rating of BREEAM very good for all new buildings. Section E identifies the appropriate types of hard and soft landscaping to be applied, which will again improve the internal environment of the Park. Section F examines how the build out of the Park via the LDO process has the potential to enhance local biodiversity, which is limited to a degree since it is an existing brown field site. Policy CS17 in the Core Strategy is highlighted here. Finally section G considers boundary treatments including fencing, gates and barriers, which are required to be no more than 2.0m high, and avoided in sensitive locations. Section H controls lighting, seeking a minimum level to ensure local safety, but avoiding light pollution. The last part of the document provides more detailed guidance on the principles to be applied to each of the proposed use zones. Whilst important across the whole of the designation, the controls over set-backs and gaps between buildings on the northern plateau are especially of note. In conclusion officers consider that the design guidance provides a coherent form of additional control on schemes coming forward in the Park, in conjunction with the conditions in Appendix B.
- 1.39 **Appendix D of the LDO illustrates the notification form layout.** A fee will be paid on notifications, but given the reduced workload involved for the Council the amounts are less than with applications-major being £500 and any other £200. This will mean a reduced fee income for the Council (on a limited number of applications/Notifications) over the LDO period of 15 years, but less officer time will be spent on the administrative and professional process of determination. The notifications will be public and placed on the planning applications register, but

formal consultation isn't necessary. In addition no consultation process will be required. The determination of a notification is simply a technical process to ensure that the details submitted accord with the LDO and its associated appendices. The details that will be required are the Zone in which the scheme is to be located, the type of use proposed, plans with elevations, and a brief description of the scheme along with the applicant and agent details. No more is required unless specifically requested by the officer.

- 1.40 **Appendix E of the LDO is the framework travel plan.** This sets out the overarching travel plan objectives and strategy for coordinating the present and future travel management measures for those accessing the Park, whether they be employees , service deliveries or other users. This report has been prepared in conjunction with the overall travel assessment which was prepared for the LDO, which is one of the supporting documents on which the whole LDO is based. The Plan sets out thresholds upon which new development will be required to submit a Travel Plan for eg a retail if the unit is more than 800m², or B2 units in excess of 4,000m². The key target of the travel plan is to reduce single car occupancy use for all staff and visitors to the Park by 10% by the end of the first 5 year monitoring period. This is in the interest of sustainability and in the interest of reducing future traffic flows on the A339 and surrounding routes. This is in accord with the principles behind LTP3 produced by the Council, and policy CS13 in the Core Strategy and the advice in the NPPF of 2018. So public transport initiatives along with the promotion of cycling and walking will be all part of the Travel Plan. This in turn is related back to the condition 16 in Appendix B. Officers accordingly conclude that with the advent of the LDO this will in no way weaken the future prospects of development at the Park, regards to local transport measures, vis a vis the extant outline planning permission, with its associated conditions.
- 1.41 **Appendix F** of the LDO relates to the agreed baseline position of existing built floor space at the Park as at 2017. This stands at just under 68,000m² of space .That is approximately 84,000m² less than that permitted in the original outline permission which is extant. It is the intention of the Council in concert with the Trust or its successors in title, to ensure that notwithstanding the presence of the outline permission, with the associated reserved matters permission across the designation area, that no more than 152,000m² of floor space is built out in total , in order that the traffic generated is no more than that as permitted, but to ensure that the physical land capacity of the designated area is not exceeded via any overdevelopment—which in turn if allowed would create possible amenity and visual impact problems.
- 1.42 Finally **Appendix G** is a simple flow diagram to assist interested persons in understanding the development process associated with either an LDO notification, or an application as an alternative.
- 1.43 The LDO will not exceed 15 years, with mandatory 5 yearly reviews. In addition, if problems do arise over the specified period, the Council can at any time elect to revoke all or part of the LDO. However, if it does so, it will need to have regard to the need to re consult on any proposed changes or indeed revocation. Any schemes permitted by the LDO before revocation will be able to proceed as originally planned however and this is recognised in the LDO text. All this is noted in article 38 of the DMPO mentioned above. Finally in relation to the Council CIL charging schedule, the LDO has no impact.

1.44 There is a question of the potential risk to the Council of any claim for **compensation** in the future, in relation to a revocation or revision of the LDO. In the 1990 Town and Country Planning Act of 1990 section 107 allows for compensation to be payable in certain defined circumstances, for development which has begun but been aborted due to a planning permission under which that development was originally permitted being rescinded. However section 108 of the same Act notes in part 3B [b] that such compensation does NOT apply in LDOs where the revocation procedures are adequately followed in accordance with the advice in sections 7 and 8 of Article 38 of the Development Management Procedure Order of 2015, as amended. That is, if an application is submitted and refused under an LDO, within 12 months of the LDO being revoked, for a scheme which would have otherwise complied with that notification and so be approved, no compensation is payable by the Council as Local Planning Authority. This has been clearly ratified in the Town and Country Planning (Compensation England regulations) of 2015, and is confirmed in para 4.3 of the explanatory memorandum. Similarly, under section 61 [d] of the 1990 Act, it is noted that if a development permitted via an LDO is permitted and begun on site after the revocation notice period (minimum of 1 year]) then that development remains authorised and can be completed. ie it is immune from any potential enforcement action. To simplify—so long as the Council publishes its intentions 12 months before formally revoking the LDO [or amending] no compensation will be payable. Accordingly, in summary the legislation effectively combines to provide both local authorities and applicants substantial comfort in regards to the potential risks involved in any future revocation, so long as the correct procedures are followed. This is only correct in the context of Government actively promoting LDOs in the NPPF.

2. Process of consultation and public responses.

- 2.1 In the lead up to producing the first draft of the LDO, relevant specialist officers within the Council were consulted on the emerging content and the findings of the various assessment reports which had been produced in conjunction with the GBP Trust. An internal officer stakeholder forum was held on the 5th February 2018.
- 2.2 The Trust subsequently organised a public drop in event at the Park on the 22nd February 2018 which a number of public and Parish Council representatives attended. This then informed the production of the original draft of the LDO, in March. This draft was examined by Planning Counsel to ensure that the LDO was in an appropriate form to commence formal public consultation and was found to be legally sound and so suitable for consultation purposes.
- 2.3 Consequently the Council formally consulted on the LDO over the period 12th April to the 14th May 2018. This was by way of a Press Notice, 6 site notices around the GBP area, and letters to statutory consultees, local organisations, Parish Councils and members of the public living nearby. This consultation was also formally set out on the Council website, in accordance with the Council own best practice. The Council received 23 responses, 10 of which were objections. The detail of these representations are set out in Appendix 3.
- 2.4 In response to this consultation feedback, the LDO was amended principally in the following ways: the period for which it would apply was reduced from 25 years to 15, and following reconsideration the potential for a new hotel to be part of the permitted scheme was deleted because that use did not comply with extant planning policy, albeit it was an employment generating use. Other more minor

revisions, included further refinement to the controls over future building heights, planning conditions in respect of adjoining amenity were reworded and strengthened. These responses were reported to the Planning Advisory Group held on the 15th May 2018.

- 2.5 Following further legal advice, Council officers elected to formally re consult on the revised LDO given the overall changes as proposed were more than minor. This second consultation period was between 16th August and 13th September 2018. The consultation was undertaken on a similar basis to that previously, with the addition that any representations received not originally “caught” by the first round, were included, for completeness. Appendix 4 notes these second round consultation responses, of which there were 14
- 2.6 A key response came from Hampshire CC as the adjoining Highways Authority, raising no objections to the LDO. This is important given the significance of traffic generation on the A339 in respect of the LDO. Of the other responses, 7 were continuing objections or ones of concern largely upon highways/traffic grounds .A number related to impact upon local amenity. Officers as a consequence have carefully examined these responses and have further amended the LDO which was the subject of the second consultation round. These revisions, in summary have related to the tightening up of noise, smell, lighting and contaminated land condition wording, the addition of a cap on B8 floorspace in table B (76,000m2 as opposed to unlimited) In order to ensure the conclusions of the LDO were robust in relation to landscape and visual impact matters, an independent assessment was commissioned. That concluded that the conclusion drawn from the Landscape and Visual assessment, forming a basis for the LDO, was sound. This detailed consideration also resulted in the proposed permitted parameter maximum heights of the buildings on the northern plateau being further refined, in order to mitigate any possible future impact.

3. Recommendation

- 3.1 The officer recommendation is that the LDO as appended to this report, be adopted by Full Council. It will be a valuable development management document which will not only provide speed and certainty to assist the future economic development at the Business Park, but also streamline the internal Council planning procedures in regards to future applications at GBP.

4. Implications

- 4.1 **Financial:** The notification fees will be considerably lower than planning applications fees so there will be some loss of planning fee income on a small number of applications; however it is anticipated that officer time and public cost of processing future applications at the Park will fall as a consequence. There are no implications for the Council CIL charging schedule which remains in force, unaffected by the LDO designation. Compensation issues have been examined in the main report, para 1.30.
- 4.2 **Policy:** The LDO accords with policy CS9 in the Core Strategy. And the advice in NPPF2. It also complies with saved policy ECON6.

- 4.3 **Personnel:** None.
- 4.4 **Legal:** The Council legal section has been formally consulted upon the original LDO.
- 4.5 **Risk Management:** It is conceivable that should the LDO be adopted it may be the subject of a legal challenge. Officers have sought to minimise this risk by taking a second consultation round, and consulting legal colleagues.
- 4.6 **Property:** Nil. The Council has no property holdings at the Park.
- 4.7 **Other:** An equalities impact assessment has been prepared for this LDO and is attached at Appendix 2

Greenham Business Park

**Local Development Order
Adoption Version.**

**West Berkshire District Council
In partnership with the Greenham Trust
December 2018**

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Appendices

- A. LDO Plans**
- B. Planning conditions**
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- G. Diagrammatic summary of the LDO.**

1. Introduction

- 1.1 The Greenham Business Park Local Development Order (the LDO) has been prepared by West Berkshire District Council (the Local Planning Authority) in partnership with the majority landowner, the Greenham Trust (formerly the Greenham Common Trust).
- 1.2 Local development orders (LDOs) are intended to tailor planning controls to local circumstances. The National Planning Policy Framework (2018) states that:
- “Local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area”¹.*
- 1.3 The LDO is a simplified version of development control for the business park, a key employment site within the district, with planning issues dealt with ‘up-front’ so that development according with the defined parameters and conditions can proceed without a planning application. A diagrammatic summary of how the LDO is used for development management of the area is provided in Appendix G.
- 1.4 This document comprises the following:
- A Statement of Reasons
 - The Local Development Order
 - Planning conditions
 - Design guidance
 - A pre-development notification procedure
 - Travel Plan.
- 1.5 In addition, the studies and documentation that have informed the draft LDO can be found at [[LINK to WBC website](#)]. These comprise the following documents:
- Land contamination Phase 1 Desk Study
 - Ecology Phase 1 and 2 assessments
 - Flood Risk Assessment
 - Heritage statement
 - Landscape and visual appraisal
 - Lighting assessment
 - Transport assessment.
- 1.6 Located south-east of Newbury and accessed from the A339, the business park has been established on the ‘technical area’² of the former Greenham Common Airbase. Formerly occupied by the United States of America Air Force (USAAF), the airbase was returned to the Ministry of Defence (MoD) in 1992. The MoD declared the site to be surplus to requirements in 1993 and it was put up for sale.

¹ National Planning Policy Framework 2018 (paragraph 51).

² Areas D3 and E identified in the Greenham Common Airbase Planning Brief, Newbury District Council (approved 1994).

- 1.7 In 1997 the Greenham Common Trust (the Trust) was formed and purchased the airbase in a partnership between the then local authority and local business representatives. The Trust raised the £7m required on commercial terms.
- 1.8 The former technical area has since been established as a mixed-use business park, incorporating many of the remaining 'legacy buildings' as well as new development.
- 1.9 Over the years the Trust has used its trading surpluses to donate over £40m of grants to local charities, including churches, schools, and hospitals.

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2. Statement of reasons

- 2.1 All local development orders must be accompanied by a statement of reasons for making the order³.
- 2.2 The Greenham Business Park LDO has been prepared to simplify the planning controls for development within the established business park over a period of 15 years (subject to monitoring and regular review). The LDO area is identified on LDO Plan 1 (the site)⁴.
- 2.3 Redevelopment of the former airbase is supported by adopted policy. Development of the site was originally supported in the West Berkshire District Local Plan 1991 to 2006 (policy ECON6). Policy ECON6, saved in 2007, allows for industrial, distribution and storage space subject to specified criteria.
- 2.4 A planning brief⁵ was adopted in June 1994 to guide the future of the former airbase, including the runway, heath and grassland, and the 'Technical Area' (now the business park). This includes planning objectives to:
- Pursue, with respect to further employment provision, an approach that expands the local employment base by exploring the local specialised employment needs;
 - Retain, reuse or relocate buildings and facilities that are of a standard in terms design and construction to be worthy of retention;
 - Protect and enhance the nature conservation interest of the site and the surrounding area.
- 2.5 The Planning Brief identifies that the 'Technical Area (Area E)' contained 158,000 sq m of built development with supporting infrastructure. It was noted that some of the buildings were suitable for reuse on a temporary or possibly longer term basis, but that many were not worthy of retention and therefore could be redeveloped. In accordance with the Planning Brief, the Common was returned to public ownership in the late 1990s and the former Technical Area has been the focus for regeneration to support the local economy.
- 2.6 Policy CS9 of the West Berkshire Core Strategy 2012 (Location and type of business development) identifies the site⁶ as a "strategically important" existing employment site where business development will be supported.
- 2.7 An outline planning application, for the redevelopment for commercial use of the site, submitted on behalf of the MoD was approved on 24 March 1997⁷. The description of development was:

³ The Town and Country Planning (Development Management Procedure) (England) Order 2015; Article 38 (1).

⁴ Appendix A

⁵ Greenham Common Airbase Planning Brief, Newbury District Council (approved 1994).

⁶ Identified as "New Greenham Park".

⁷ Application 145585 (approved 24 March 1997).

“Storage and distribution (B8), general industry (B2), light industry (B1) and sport and leisure development (D2) museum and day nursery (D1)”.

- 2.8 The outline consent identified up to 153,925 square metres of floor space.
- 2.9 Application for the renewal of this outline consent was made by Greenham Common Trust and approved in November, 1999⁸. Reserved matters applications were approved in 2003⁹.
- 2.10 The planning permissions were subject to legal agreements. The agreement dated 20 September 2001 consolidated previous agreements and noted that the permission had been part-implemented (and is therefore extant).
- 2.11 Significant developer contributions were made in accordance with the legal agreement to mitigate the impacts of the approved development.
- 2.12 While implementation of the planning permissions has commenced, and many of the legacy buildings have been cleared to facilitate redevelopment, a significant proportion of the permitted floorspace is still outstanding. An estimate of the current baseline of existing floorspace is approximately 64,300 square metres (excluding non-commercial uses). This equates to around the equivalent of only 40% of the approved floorspace.
- 2.13 Some of the existing uses also provide opportunity for rearrangement or change of use to create a more efficient use of the available land.
- 2.14 The objective of the LDO is to help catalyse the continued regeneration of the site to create jobs and support the local economy in line with adopted policy. It also provides a framework for coordinating development to achieve the following inter-related objectives:
- Good place-making;
 - Improving the accessibility and amenity of the park, and
 - Protecting the local environment, including respecting the historic interest and local wildlife.
- 2.15 The LDO is therefore designed to meet the three strands of sustainable development: social, environmental, and economic in accordance with the NPPF (2018).
- 2.16 This LDO has been prepared to simplify the planning controls by addressing the key planning issues but allowing for greater flexibility over the form of development that comes forward. This is intended to enable the business park to meet the evolving market demands of the 21st century and attract inward investment to this strategically important employment area.
- 2.17 The description of development permitted by this Order is:

Mixed-use non-residential development, and associated minor operational development, within Use Classes:

⁸ Application 155587 (approved 3 November 1999).

⁹ Application 02/02048/RESMAJ

- *B1a (Office)*
- *B1b (Research & Development)*
- *B1c (Light industry)*
- *B2 (General industry)*
- *B8 (Storage and distribution)*
- *Sui generis (Data centre)*
- *Sui generis (Motor vehicle sales)*
- *A1 (Shops)*
- *A3 (Restaurant and café)*
- *D1 Non-residential institutions*
- *D2 Assembly and leisure.*

2.18 The permitted development is subject to development parameters and conditions set out in the Order (please refer to appendix B).

2.19 The LDO area broadly follows the boundary of the business park (identified on LDO Plan 1). However, areas within this boundary which are not suitable for development under the provisions on the LDO, are excluded. An example is the area on the eastern boundary, which includes areas known to be of biodiversity interest and mature planting which provides natural screening of the business park from the wider landscape.

Environmental Impact Assessment

2.20 The LDO has been screened under the Environmental Impact Assessment Regulations. The Screening Opinion was that an Environmental Statement is not required.

Supporting Studies

2.21 Informed by the Screening Opinion, several supporting studies were prepared to inform the LDO. The scope of these studies and how they have informed the LDO are summarised below:

Land Contamination Phase 1 Desk Study

This has concluded that there are plausible pollutant linkages, most likely associated with the historic military use of the site. Phase 2 surveys are recommended before development. This requirement is included in the LDO conditions.

Ecology Phase 1 and 2 Assessments

The LDO area has been assessed in terms of its ecological interest. Areas of interest are identified which will require further survey before development is permitted. Sensitive woodland boundaries are identified where external lighting is restricted to mitigate the impact on bats. The assessments have informed the design guidance including opportunities for improving biodiversity through redevelopment of the previously developed site. A condition of the LDO requires the ecological baseline to

be reviewed every two years to ensure it is kept up-to-date. Significant changes in the baseline may require review of the LDO.

Flood Risk Assessment

A Level 1 Flood Risk Assessment (FRA) Screening Study has been undertaken. The business park is located within Flood Zone 1. The overall risk of flooding from rivers and seas is “negligible”. The potential risk from surface water (pluvial) flooding is “negligible”. The site is not identified to be at risk from groundwater flooding.

The LDO conditions require approval of sustainable surface drainage strategies for development.

Heritage Statement

A Heritage Statement has been undertaken to assess the impact of development on the historic interest of the LDO area, and its surroundings which include a scheduled monument and listed buildings. The statement identifies the significant amount of assessment that has already been undertaken in this location and has identified appropriate mitigation of the historic interest. Mitigation has been included in the LDO development parameters, including restricting the height and location of new buildings on the northern boundary (adjoining Greenham Common), avoiding new buildings in the setting of the neighbouring listed buildings (buildings 273 and 274), limiting building height and permitted uses on the eastern boundary of the LDO area.

Landscape and Visual Appraisal (LVA)

The LDO development parameters and design guidance have been informed by the LVA. This identified that building heights should be limited on the northern boundary and no higher than Building 400. A continuous roof line should be avoided on this boundary to reduce the impact on sensitive views from the adjoining Common. Within the site, the ground levels gently slope down to lower ground around the entrances from the A339. Buildings can be higher in these areas but should not exceed the height of the tallest existing building (Building 301). Design guidance is provided to manage the visual impact of new buildings as well as providing guidance for maintaining and enhancing the existing landscape framework within the LDO area.

Lighting Assessment

A baseline lighting survey was undertaken to determine existing conditions in the LDO area. The surrounding area was classified as Environmental Zone E2 – low district brightness areas. Recommendations for minimising the impact of external lighting are included in design guidance, and an LDO condition controls external lighting levels on the ecologically sensitive boundaries of the LDO area.

Transport Assessment

A transport assessment (TA) of the potential impacts of development permitted by the LDO was undertaken. This has included assessment of the potential traffic impacts compared to the extant planning permission. Three 'growth scenarios' were tested recognising the flexibility in permitted development under the LDO: high, medium and low. The TA shows that the permitted development under each of the scenarios is acceptable in transport and highway terms. The TA has informed a revised Travel Plan for the site.

Extant Planning Permissions

- 2.22 The LDO does not supersede or vary any extant planning permissions within the LDO area. Material variation of extant permissions will require a planning application.

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3. Local Development Order

3.1 Definitions

3.1.1 The following definitions apply to the Greenham Business Park Local Development Order (LDO):

‘The LDO area’

The area identified as ‘LDO Area’ on ‘LDO Plan 1’ (Appendix A). This area forms part of the existing boundary of the Greenham Business Park.

‘Greenham Business Park’

The area of the established business park controlled by the Greenham Trust (or its successor in title) as identified as ‘Business Park Boundary’ on LDO Plan 2.

‘Duration’

Is the period specified for the operation of the LDO (section 4.2).

‘Local Planning Authority (LPA)’

West Berkshire District Council, or its successor in title, is the Local Planning Authority for the LDO area.

‘Development parameters’

The development parameters set out in Table A.

‘Zone’

Means the zones within the LDO area identified on LDO Plan 2.

‘Primary uses⁴⁰’

Are the uses identified as ‘Primary’ in Table B (see also notes in table A).

‘Secondary uses’

Are the uses identified in Table B (see also the notes in Table A).

‘Planning conditions’

Means the planning conditions set out in Appendix B and explained in section 3.7.

‘Design guidance’

Is the guidance provided in Appendix C.

‘Floorspace’

For the purposes of this Order, all floorspace is measured on the gross internal area (GIA) in square metres, in accordance with the RICS Code of Measuring Practice core definition, unless otherwise stated.

‘Baseline development’

Is the existing floorspace within the LDO area as at 2017’ (please refer to Appendix F).

‘Pre-development notification’

Means the notification required under section 4.1.

‘Pre-development notification fee’

Means the requisite fee identified in section 4.1.

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3.2 Development parameters

3.2.1 Development is permitted within the LDO area where it is in accordance with the parameters set out in Table A. Development proposals **not in accordance with these parameters, or** elsewhere within Greenham Business Park, will require separate planning permission.

Table A: Development Parameters

LDO Parameter ref	Parameter	Limitations/exclusions	Notes
P1	Maximum floorspace within LDO area	Up to 152,000 sq m Refer to LDO Plan 1.	This includes the baseline development (Please refer to Appendix F. LDO area excludes the two listed buildings (Buildings 273 and 274). Development within the LDO area must not exceed 152,000 sq m without further assessment through planning application.
P2	Primary uses	Unrestricted subject to P1 and Table B.	Development permitted in the LDO area is focused on the primary employment generating uses identified in Table B.
P3	Secondary uses	Up to 28,715 sq m and restrictions set out in Table B.	Secondary uses (identified in Table B) are limited to just under 20% of total floorspace allowed in LDO area to ensure that the focus remains on the primary employment generating uses and to manage traffic impacts.
P4	Location of development: Zones A, B, and C.	Refer to Land Use Zone Plan (LDO Plan 2). Zone A: Business use; Primary uses only.	Additional B2/B8 uses are excluded from Zone C to protect the amenity of the residential properties neighbouring the LDO area.

		<p>Zone B: Mixed use; Primary and secondary uses Zone C: Mixed use; primary and secondary uses, excluding B2/B8 uses.</p> <p>Development is not permitted in Zones D and E (with the exception of P5).</p>	
P5	Zone D	Limited to the permitted minor operational development ¹¹ (No new buildings or structures without separate planning permission).	Development is controlled in Zone D to protect the setting of historic interest. Any new building within this area will require a planning application supported by an assessment of the heritage impact.
P6	Zone E	No development, other than soft landscaping works.	Development is excluded from these areas to protect the ecological, landscape and historic interest of the site.
P7	<p>Maximum building heights</p> <p>Buildings must not exceed the maximum building height shown in metres above ground level.</p>	Refer to Building Heights Plan (LDO Plan 3).	Building heights are controlled to mitigate the visual impact of development and protect the historic interest of the site.

¹¹ Please refer to section 3.5.

3.3 Permitted Land Uses

3.3.1 With reference to the Town and Country Planning (Use Classes) Order 1987, Table B sets out the land uses that are permitted by the LDO (subject to the Development Parameters set out in Table A).

Table B: Permitted Land Uses

Use Class		Category of use	Exclusions/notes	Maximum floorspace/area permitted within the LDO area (including baseline development)	Notes
B1a	Office	Primary	Ancillary office space is also allowed in addition.	22,800 sq m	This represents 15% of total floorspace – Policy ECON6). Ancillary office space is also subject to maximum floorspace (LDO Parameter P1).
B1b	Research & development			Up to 7,600 sq m	B1b floorspace is restricted as it has similar impacts, including in terms of traffic generation, as office uses.
B1c	Light industry			Unlimited (subject to LDO Parameter 1)	
B2	General industry		<ul style="list-style-type: none"> Excluded from Zone C Waste management uses are excluded. Open-air industrial processes are excluded. 	Unlimited (subject to LDO Parameter 1)	Waste management and open-air industrial processes require further assessment by planning application to ensure that the impacts are acceptable.

Use Class		Category of use	Exclusions/notes	Maximum floorspace/area permitted within the LDO area (including baseline development)	Notes
B8	Storage and distribution, including motor vehicle storage (decked-parking only)		Exclusions: <ul style="list-style-type: none"> Motor vehicle storage (open) Additional B8 use is excluded from Zone C.	Up to 75,938 sq m Motor vehicle storage (decked-parking) is restricted to Zone A and a maximum of 7 hectares in total footprint.	B8 are restricted in the interests of managing traffic impacts, including in terms of heavy goods vehicles, and to ensure opportunity for a variety of job opportunities. Decked motor vehicle storage is permitted to assist in market demand in a more efficient way and free-up space for other primary uses.
Sui generis	Data Centre		Permitted in Zone A only.	Up to 17,130 sq m	Data centres are a primary use as they provide vital support to the digital economy. The maximum total floorspace for this use includes unimplemented floorspace approved under extant permission (08/02354/COMIND).
A1	Shops	Secondary		Up to 750 sq m. Up to 500 sq m per unit	A1 and A3 uses are permitted to support the vitality and sustainability of the business park but are restricted to avoid competition with the town centre and to manage traffic impacts.
A3	Restaurants and cafes			Up to 300 sq m	
D1	Non-Residential		Other uses falling	Up to 2,000 sq m.	

Use Class		Category of use	Exclusions/notes	Maximum floorspace/area permitted within the LDO area (including baseline development)	Notes
	institutions: Creche, Day nursery, Museum, Rehabilitation centre (non-residential); Education and training centres (non-residential).		within Use Class D1.		the vitality and sustainability of the business park, subject to the limitations to manage traffic impacts.
D2	Assembly and leisure: Gymnasium, Area for indoor or outdoor sports (not involving firearms or motor vehicles).		Other uses falling within Use Class D2 uses.	Up to 3,000 sq m.	D2 uses are permitted under the extant planning permission but are limited under the LDO to manage traffic impacts.
Sui generis	Motor vehicles sales		For the purposes of this LDO workshop/garage space ancillary to motor vehicle sales is classed as B2.	Up to 14,000 sq m.	

3.4 Change of use

3.4.1 Change of use of existing floorspace within the LDO area is permitted if it is either:

- a. in accordance with the development parameters and permitted land uses of this Order; or
- b. in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended from time to time.

3.5 Minor operational development and other miscellaneous development

3.5.1 In addition to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended from time to time, the following minor operational development and miscellaneous development within Zones A, B, C, and D only is permitted by this Order subject to being in accordance with the planning conditions:

- Hard and soft landscaping associated with existing and permitted land uses
- Small-scale renewable energy installations providing energy for individual existing or new buildings, integrated within the building or within its curtilage, excluding wind turbines.
- Creation or alteration of private highways, pedestrian, and cycle ways,
- Rearrangement of existing vehicle parking
- Provision of cycle parking, including secure cycle storage (no structures in Zone D)
- Provision and alteration of accessibility measures to improve mobility for people with disabilities
- Provision of waste and recycling storage and collection facilities for individual properties
- Street lighting
- External security lighting
- CCTV cameras.

3.6 Demolition

3.6.1 Demolition of existing buildings and structures within the LDO area is permitted under this Order where the demolition activity is required to facilitate redevelopment that complies with the development parameters.

3.6.2 The Local Planning Authority must be notified of demolition proposals through the pre-development notification process.

3.7 Planning conditions and informatives

- 3.7.1 Development permitted by this Order is subject to compliance with the planning conditions set out in appendix B¹².
- 3.7.2 Some of the conditions require the approval of further details by the Local Planning Authority before development of the permitted scheme commences.
- 3.7.3 Approval of details reserved by condition will be by way of the standard application process and requisite fee payable to the Local Planning Authority.
- 3.7.4 The Local Planning Authority will determine applications for the approval of details reserved by conditions within 21 days in line with the Government's target. If necessary, it will give the applicant notice in writing that further information is required and a request for an extension of time to consider the additional information.

3.8 Design guidance

- 3.8.1 Guidance on the design of new development in the LDO area is provided (Appendix C). The planning conditions with this Order require the submission of a design statement to demonstrate how the proposed development has responded to this guidance. Proposed development that is in general accordance with the design guidance is permitted by this Order.
- 3.8.2 The objective of the design guidance is to provide a coordinated approach to the long-term regeneration of the business park and achieve good place-making which can contribute to the continued success and vitality of this key economic area.

¹² Town and Country Planning Act 1990 Part III Section 61C (b).

4. Other matters relating to the operation of the LDO

4.1 Pre-development notification

- 4.1.1 Prior to the commencement of development permitted by this LDO, the Local Planning Authority must be notified of the proposed development. A Pre-development notification form is provided in Appendix D for this purpose.
- 4.1.2 On receipt of a completed pre-development notification form, the Local Planning Authority will confirm in writing within 15 working days (the notification period) that:
- a) The proposed development is permitted by the LDO and therefore can proceed without the requirement for a planning application, or
 - b) That the proposed development is not in accordance with the LDO and therefore a planning application is required, or
 - c) Further information is required to determine whether the proposed development is permitted by the LDO, including reasons why there is any uncertainty.
- 4.1.3 Failure of the Local Planning Authority to respond in writing within this period will be deemed as confirmation that the proposal is permitted.
- 4.1.4 Development or demolition must not commence until the notification period has passed.
- 4.1.5 A fee is payable to the Local Planning Authority when notifying it of the intention to implement development permitted by this Order (refer to Appendix D).

4.2 Duration, review, and revision

Duration

- 4.2.1 This Order takes effect from the date of its adoption by the Local Planning Authority. Its adopted period of operation is 15 years.

Review

- 4.2.2 The Local Planning Authority will review this Order not less than every five years from its adoption. This is to ensure that the objectives of the LDO are being achieved. The reviews will identify whether it is necessary to review the technical studies supporting the LDO due to changes in the material conditions or other relevant factors, and thereafter, whether any amendment to the provisions of the LDO are necessitated thereby.

Revision

- 4.2.3 The Local Planning Authority may at any time prepare a revision of the LDO¹³.
- 4.2.4 In such cases as revisions are deemed appropriate, the Local Planning Authority will publicise the proposed revisions for a minimum of 28 days and invite representations in writing.
- 4.2.5 Development permitted by the LDO prior to its revision, and of which the Local Planning Authority has been duly notified, may be completed if it has lawfully commenced before the revised Order has been adopted by the Local Planning Authority.

4.3 Revocation

- 4.3.1 The Local Planning Authority may at any time exercise its powers to revoke all or part of the LDO¹⁴. The Local Planning Authority will publicise its intention to revoke all or part of the LDO for a minimum of 28 days and invite representations in writing.
- 4.3.2 Development permitted by the LDO, and of which the Local Planning Authority has been duly notified, may be completed if it has lawfully commenced before the revocation of the Order.

4.4 General Permitted Development Order

- 4.4.1 This LDO in no way restricts the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015.

4.5 Compliance with other legislation

- 4.5.1 The LDO relates to the provisions of the Town and Country Planning Act 1990 and associated legislation only. It does not supersede the requirement to comply with other legislation, including building control regulations and environmental permits.

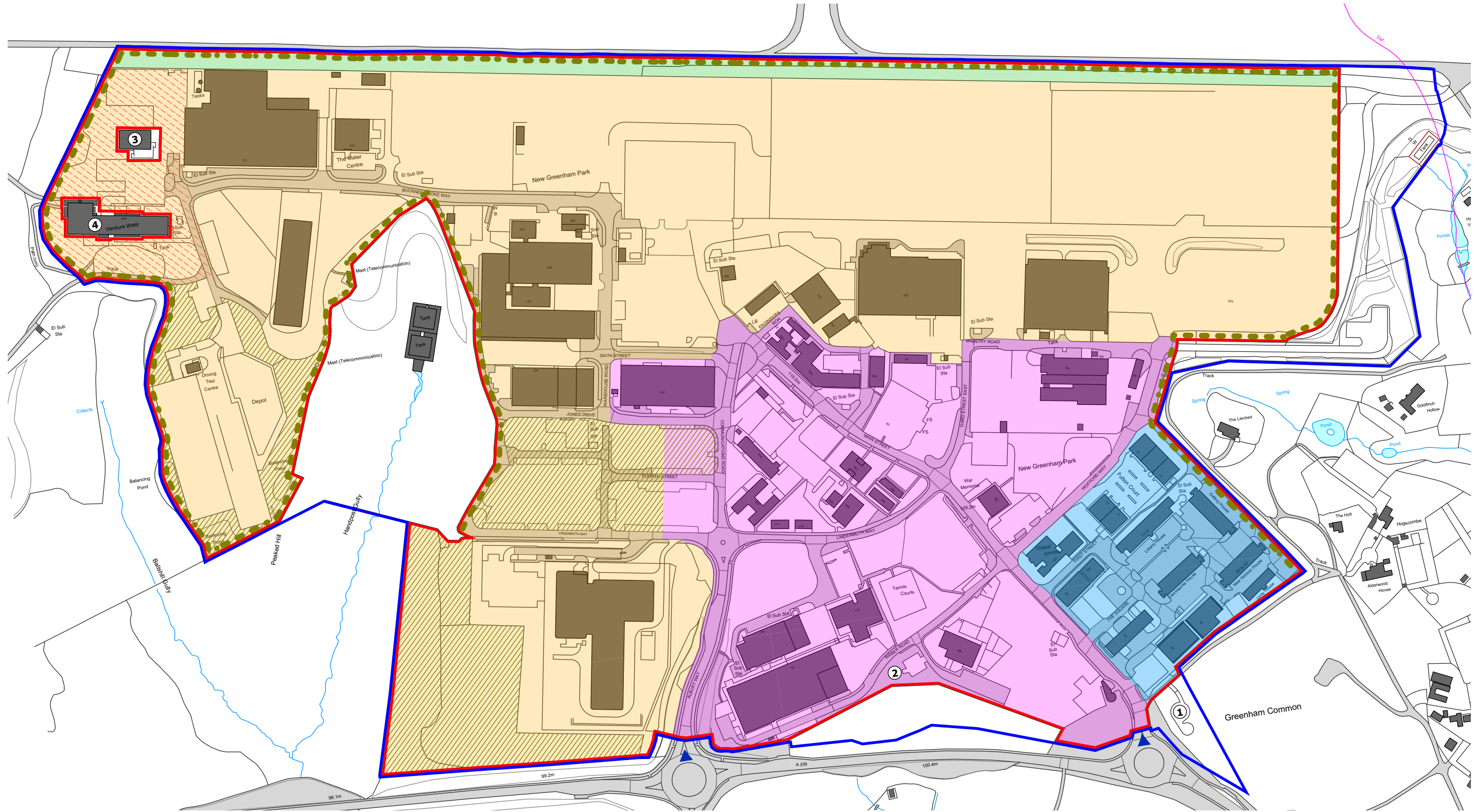
4.6 Community Infrastructure Levy

- 4.6.1 Developer contributions have already been made in respect of the extant planning permission. However, development permitted by the LDO is subject to the Community Infrastructure Levy¹⁵. All permitted uses in the LDO area are £0 rated, with the exception of retail uses

¹³ Town and Country Planning Act 1990 Schedule 4A (2[1]).

¹⁴ Town and Country Planning Act 1990 Part III Section 61A(6).

¹⁵ West Berkshire Community Infrastructure Levy Adopted March 2014.



LDO Area: 54.0 ha

Business Park Boundary: 60.9 ha

Zone A: Business Use (Primary uses only)

Zone B: Mixed Use (Primary & Secondary uses)

Zone C: Mixed Use (Primary & Secondary uses excluding B2/B8)

Zone D: No New Building (Without separate planning permission)

Zone E: Landscape / Ecology / Heritage

Area of Ecological Importance (Mitigation may be required before development)

Access from Public Highway

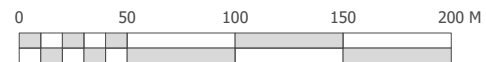
Ecologically sensitive boundary (External Light)

Heritage Assets:

- Greenham Peace Gardens
- Memorial to the Fallen
- Combat Support Building (Building 273)
- Former Wing HQ Building (Building 274)

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A	18.12.17		MH	JL
B	12.01.18		MH	JL
C	19.01.18		MH	JL
D	23.01.18		MH	JL
E	01.03.18		MH	JL
F	06.03.18		MH	JL
G	12.03.18		MH	JL
H	06.04.18		MH	JL
I	10.08.18		MH	JL
J	31.10.18		JS	JL

CLIENT:
Greenham Trust

PROJECT:
Greenham BP LDO

DRAWING:
Land Use Plan (LDO Plan 2) - Draft

DATE:
Nov 2017

SCALE: **1:3500 @ A3**

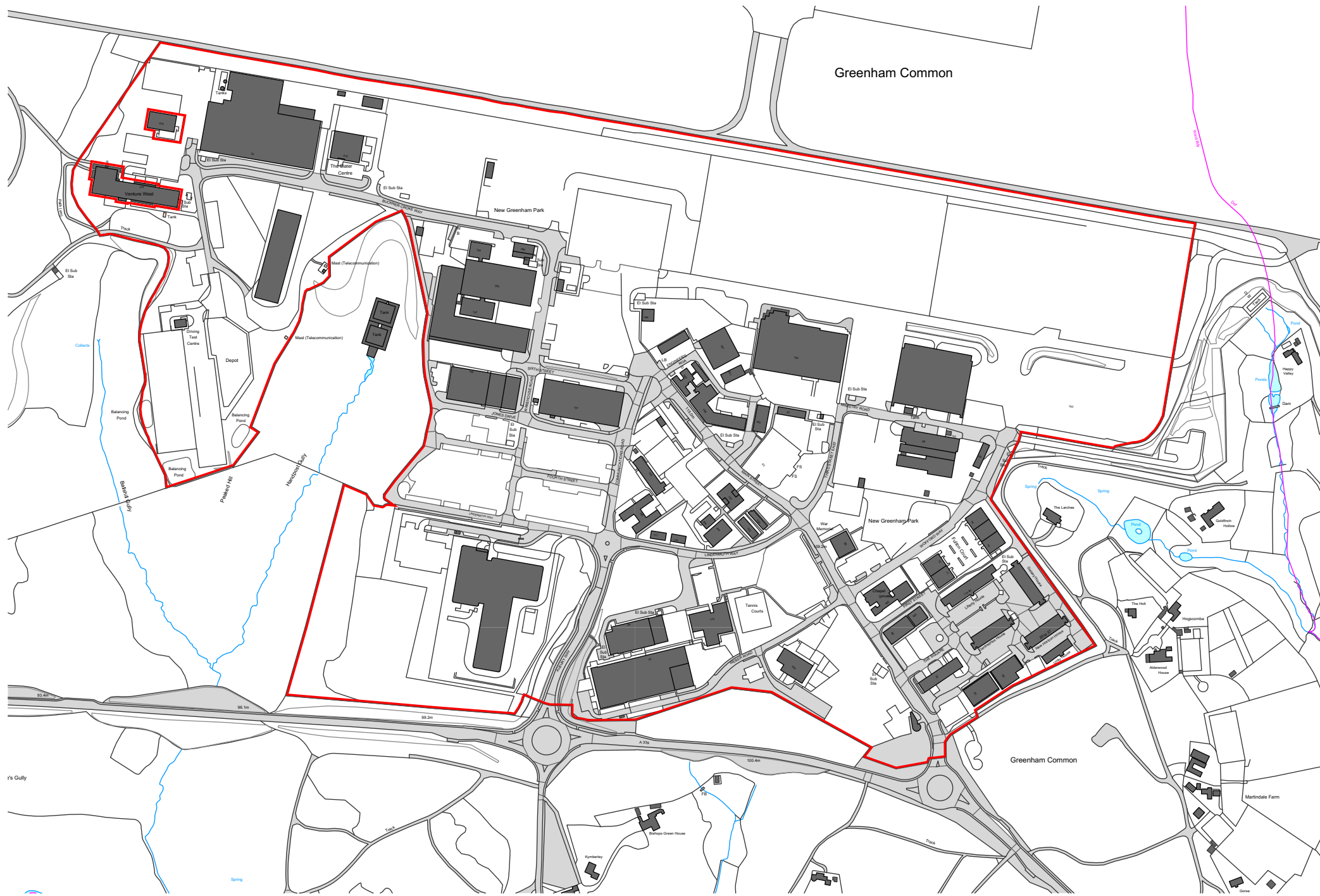
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REV: **J**



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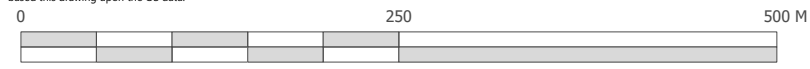
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The plan shown here is for the purpose of identifying the application site only. Whilst reasonable endeavours have been made to ensure the accuracy of the application boundary, in the production of this plan, there may be some discrepancy between the OS data, Topographical Data and Land Title data. We have therefore based this drawing upon the OS data.



REV.	DATE	AMENDMENTS	DRAWN	CHECKED
..	10.01.18		MH	JL
..	24.01.18		MH	JL
..	01.03.18		MH	JL
..	06.03.18		MH	JL
..	10.08.18		MH	JL

CLIENT:
Greenham Trust

PROJECT:
Greenham BP LDO

DRAWING:
**LDO Area
(LDO Plan 1) - Draft**

DATE:
January 2018

SCALE: **1:5000 @ A3**

DWG NO: **2170/P1-01**

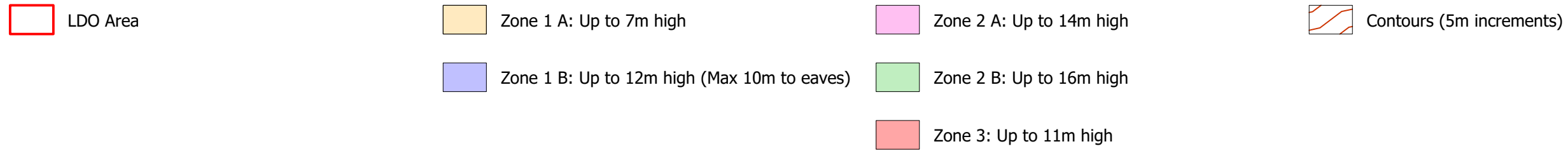
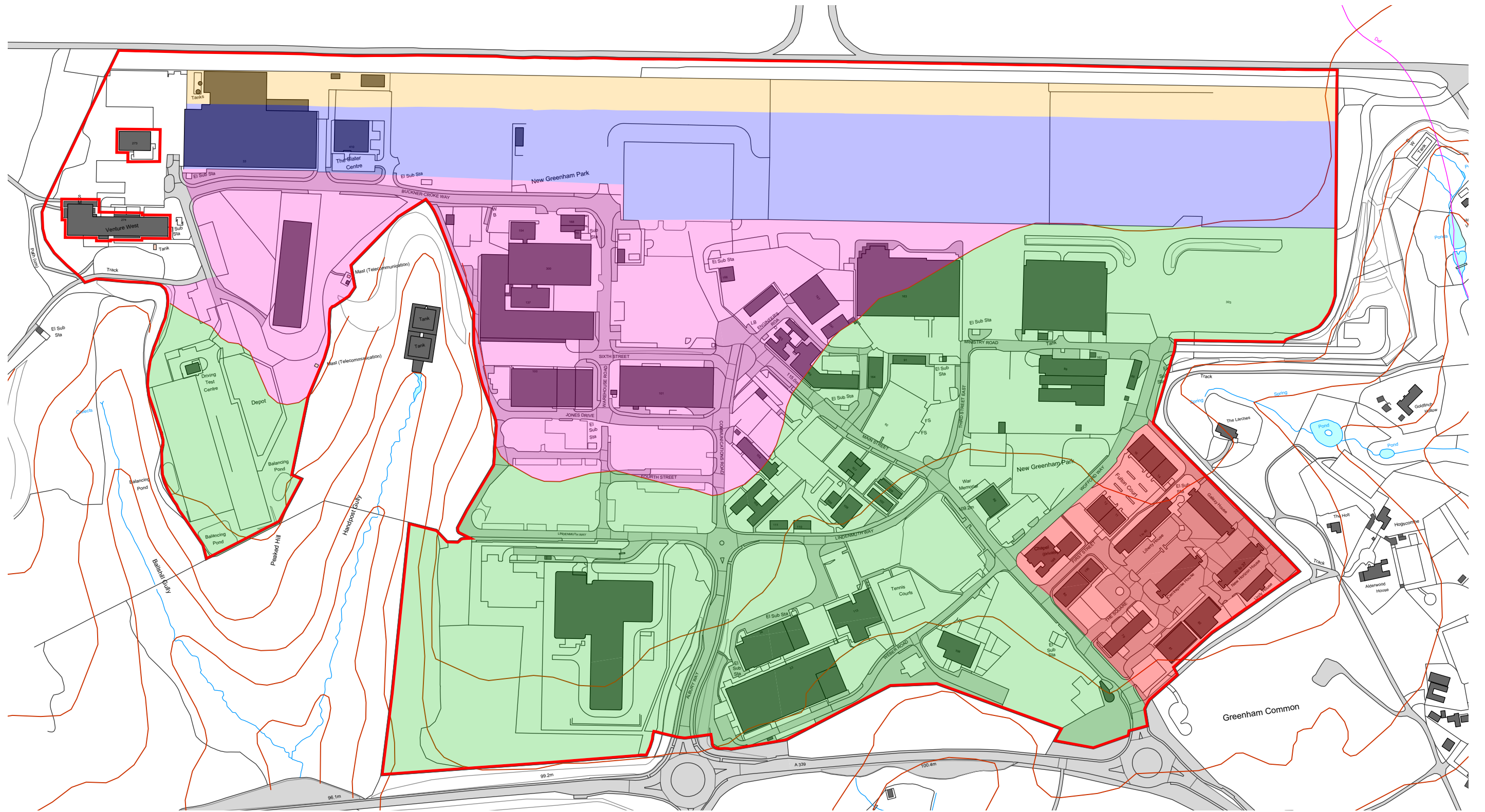
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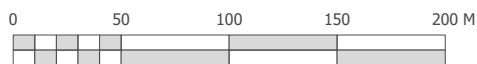
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B	01.03.18		MH	JL
C	06.03.18		MH	JL
D	12.03.18		MH	JL
E	10.04.18		MH	JL
F	25.04.18		MH	JL
G	18.06.18		MH	JL
H	25.07.18		MH	JL
I	10.08.18		MH	JL

CLIENT:
Greenham Trust

PROJECT:
Greenham BP LDO

DRAWING:
**Building Heights Plan
(LDO Plan 3) - Draft**

DATE:
January 2018

SCALE: **1:3500 @ A3**

DWG NO: **2170/SK1-02**

REV: **I**



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Appendix B Planning conditions (Draft)

Condition	Reason
<p>1. Design guidance</p> <p>With the exception of ‘minor operational and miscellaneous development’, a Design Statement shall be submitted in writing to the Local Planning Authority for approval prior to the commencement of development other than demolition and ground preparation works. The Design Statement shall demonstrate how the proposed development has been influenced by the Design Guidance.</p>	<p>To protect the amenity of the business park and achieve good place-making. In accord with the advice in policy CS14 in the WBCS of 2006 to 2026.</p>
<p>2. Ecological baseline</p> <p>The ecological baseline shall be kept up-to-date by a regular review of the baseline surveys by a professionally qualified ecologist not less than every two calendar years from the date of adoption of the LDO.</p> <p>The survey updates shall be submitted in writing to the Local Planning Authority.</p> <p>Should the updated surveys identify significant changes in the baseline conditions, the relevant ecological survey(s) shall be undertaken by a professionally qualified ecologist and submitted for approval by the Local Planning Authority.</p>	<p>In the interests of preserving and enhancing the natural environment (NPPF 2018) and in accordance with the recommendations of the Greenham Business Park Phase II Bat & Reptile Survey, December 2017). And in accord with policy CS17 in the WBCS of 2006 to 2026.</p> <p>Significant changes in the ecological baseline may require review of the LDO.</p>
<p>3. Protected species - bats</p> <p>Prior to the commencement of development, including demolition, existing buildings or structures included within the proposed development are to be surveyed for the presence of bats by a qualified ecologist. A written report shall be submitted to the Local Planning Authority for approval. This shall identify the need for further surveys and/or mitigation measures to be included in the development scheme.</p>	<p>In the interests of preserving and enhancing the natural environment (NPPF 2018) and in accordance with the recommendations of the Greenham Business Park Phase II Bat & Reptile Survey, December 2017) and in accord with the advice in policy CS17 in the WBCS of 2006 to 2026.</p>
<p>4. Other protected species surveys</p> <p>Prior to the commencement of any development in areas marked on LDO Plan 2 as “Area of Ecological Importance”, including site preparation or clearance, protected species surveys shall be completed by an appropriately qualified ecologist and in the appropriate season. The information collected shall be used to update information on the species and to assess potential impacts of the development. The survey report together with a</p>	<p>In the interests of preserving and enhancing the natural environment (NPPF 2018) and in accordance with the recommendations of the Greenham Business Park Phase II Bat & Reptile Survey, December 2017), and in accord with policy CS17 in the WBCS of 2006</p>

<p>mitigation strategy as appropriate shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the development and shall be thereafter implemented as agreed.</p>	<p>to 2026.</p>
<p>5. Protection of trees</p> <p>All trees within Zone E are to be retained and protected from impacts of development, with the exception of trees that need to be removed for sound arboricultural or health and safety reasons on the advice of a qualified arboriculturalist.</p> <p>Where removal of trees within Zones A, B, C and D is required to facilitate development permitted by this LDO, they will be replaced with native species at a ratio of 1:1.5, within the Business Park area as identified on the LDO Plan 2.</p>	<p>In the interests of preserving and enhancing the natural environment (NPPF 2018). And in accord with policy CS18 in the WBCS of 2006 to 2026 .</p> <p>Zone E covers the boundaries of the LDO area which provide screening of the business park from the wider landscape.</p>
<p>6. Vehicle and cycle parking</p> <p>Development will accord with the Local Authority's extant parking standards unless otherwise agreed in writing by the Local Planning Authority. Vehicle and cycle parking shall be provided prior to the occupation of the building(s).</p>	<p>To ensure the development is provided with adequate parking facilities, but recognising that this is a private business park. This condition is imposed in accordance with the NPPF (2018), Policy CS13 of the West Berkshire Core Strategy (2006 -2026).</p>
<p>7. Access, parking and turning space</p> <p>The use of the development as permitted shall not commence until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s).</p>	<p>To ensure the development is provided with adequate parking facilities, recognising that this is a private business park This condition is imposed in accordance with the NPPF (2018), Policy CS13 of the West Berkshire Core Strategy (2006 -2026).</p>
<p>8. Contaminated Land</p> <p>1. <u>Site Investigation</u></p> <p>No development, with the exception of 'minor operational and miscellaneous development' (as defined in section 3.5), shall take place until a Phase 2 site investigation and risk assessment has been completed to assess the nature and extent of any contamination on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.</p>	<p>To accord with the advice in the NPPF 2018 para 178 and to protect human health.</p>

<p>2. <u>Submission of Remediation Scheme</u> A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>3. <u>Implementation of Approved Remediation Scheme</u> The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.</p> <p>4. <u>Reporting of Unexpected Contamination</u> In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2, which is subject to the approval in writing of the Local Planning Authority.</p> <p>Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 3.</p>	
<p>9. External lighting (ecological sensitive boundaries) Artificial light levels on the ecological sensitive boundaries identified on LDO Plan 2 will be kept to below 1 lux.</p>	<p>Protection of ecological interest (bats) in accordance with the recommendations of the Phase II Bat & Report (December 2017). In accord with policy CS17 in the WBCS of 2006 to 2026.</p>
<p>10. External lighting (floodlights) Details of any floodlighting, over 5m in height, on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of the</p>	<p>To protect local amenity [visual impact] and to reduce light pollution in accord with the advice in para 180 of the NPPF of 2018.</p>

<p>development. The floodlighting shall be installed, maintained and operated in accordance with the approved details unless the local planning authority gives its written consent to the variation.</p>	
<p>11. Sustainable surface water drainage</p> <p>The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.</p>	<p>This site is within an Inner Source Protection Zone for public water supply abstraction.</p> <p>It is necessary to protect the quality of this water in accord with the advice in the NPPF (2018), Policy CS16 in the WBCS of 2006 to 2026, and saved policy ECON6.</p>
<p>12. Construction Environmental Management Plan</p> <p>No construction activity (including demolition) shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (unless otherwise agreed in writing by the Local Planning Authority). The development shall be carried out in accordance with the approved details. The management plan shall provide for:</p> <ul style="list-style-type: none"> (a) The parking of vehicles of site operatives and visitors (b) Loading and unloading of plant and materials (c) Storage of plant and materials used in constructing the development (d) Wheel washing facilities (e) Measures to control the emission of dust and dirt during construction (f) A scheme for recycling/disposing of waste resulting from demolition and construction works (g) Hours of construction (h) Measures to protect the neighbouring SSSIs (i) Protective fencing around the development site to exclude reptiles during the construction phase. 	<p>To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the NPPF (2018), and policy CS13 of the West Berkshire Core Strategy (2006-2026), and saved Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006.</p>
<p>13. Noise assessment</p> <p>No development of Use Classes B2 (General Industry) or B8 (Storage and Distribution), or any proposal including installation of air handling equipment, shall take place until details of the following have been submitted to the Local Planning authority.</p> <ul style="list-style-type: none"> (a) The findings of a noise survey (undertaken in accordance with BS7445 or such other standard acceptable to the Local Planning Authority) to determine noise levels in the vicinity of the proposed development; (b) Written details and calculations showing the likely impact of noise from the development; 	<p>To protect local amenity in accord with saved policy OVS6 in the WBDLP of 2007 [saved] and the advice in the NPPF of 2018.</p>

<p>(c) A scheme of works or other such steps as may be necessary to minimise the effects of noise from development.</p> <p>(d) Development shall not commence until written approval of a scheme under (c) above has been given by the Local Planning Authority. All works forming part of the scheme shall be completed before any of the development is first occupied, and maintained during the operation of the use/building as permitted.</p>	
<p>14. Odour assessment</p> <p>No development involving manufacturing processes shall commence until the applicant has submitted to the Local Planning Authority a scheme of works to minimise the effects of odour from the development. Development shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works. The development must then be carried out in strict accords with the as approved details.</p>	<p>To protect local amenity in accord with the advice in the NPPF of 2018.</p>
<p>15. Trade counters</p> <p>Use for trade sales, if any, is permitted up to a maximum of 15% of the ground floor area of the unit.</p>	<p>Retail floorspace is controlled within the business park to minimise competition with the town centre and to manage traffic impacts in accordance with the Transport Assessment (August 2018). And in accord with the sequential test in the NPPF 2018 para 86.</p>
<p>16. Travel Plan</p> <p>No development shall take place until a Travel Plan Compliance Statement has been submitted in writing for the approval of the Local Planning Authority. The Travel Plan shall state how the development will comply with the Framework Travel Plan (August 2018).</p>	<p>To ensure the development reduces reliance on private motor vehicles. This condition is imposed in accordance with the NPPF (2018), and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>

Informatives

Protected species (general)

Your attention is drawn to the need to have regard to the requirements of UK and European legislation related to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species are affected by the development. If protected species are discovered you must be aware

that to proceed with the development without seeking advice from Natural England could result in prosecution.

Nesting birds

It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb nesting birds (please refer to the Greenham Business Park Phase II Bat & Reptile Survey, December 2017). To avoid contravention of protected species legislation, any vegetation removal associated with the development must be scheduled to avoid peak bird nesting season (which runs from 01st March to 31st August, inclusive), unless prior inspection by an ecologist concludes that there are no nesting birds present immediately prior to the commencement of works. If the presence of nesting birds is confirmed, any works which may disturb them will be delayed until the young birds have fledged the nest of their own accord.

Oil/chemical storage

Any above ground oil or chemical storage tanks should be sited on an impervious base and surrounded by a liquid tight bund wall. The bunded area should be capable of containing 110% of the volume of the tank(s), and all fill pipes and sight gauges should be enclosed within its curtilage. No drainage outlet should be provided, and the vent pipe should be directed downwards into the bund.

Historic environment

Extensive detail of the historic interest of the site is provided in the following report: *Historic Buildings Record in Respect of former RAF / USAF Greenham Common Base, New Greenham Park, Near Newbury, Berkshire on behalf of the Greenham Common Trust* (CgMs February 2006).

Water/Wastewater Infrastructure

The Local Planning Authority will seek to ensure that there is adequate water and wastewater infrastructure to serve all new developments. Developers are encouraged to contact the water/waste water company as early as possible to discuss their development proposals and intended delivery programme to assist with identifying any potential water and wastewater network reinforcement requirements.

Greenham Business Park LDO
Appendix C
Design Guidance



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1 Introduction

The Greenham Business Park LDO

- 1.1 This design guidance supports the Local Development Order (LDO) adopted by the Local Planning Authority (LPA), West Berkshire Council.
- 1.2 The LDO has been adopted to encourage the continued regeneration and transition of the former military site into a modern business park which is one of the key employment areas in the district.
- 1.3 The LDO is designed as a framework for development over the long-term, although will be subject to regular review. The purpose of the LDO is to simplify planning control and encourage sustainable development. This document is intended to guide the design of the permitted development whilst allowing flexibility to respond appropriately to market demands and to enable use of emerging technologies.
- 1.4 All development proposals under the provisions of the LDO are subject to pre-development notification to the LPA. Development permitted by the LDO is subject to conditions, including the requirement to submit a Design Statement to demonstrate how the proposed scheme has been informed by this design guidance.
- 1.5 This guidance has been prepared specifically for the LDO area, and is intended to complement the National Planning Policy Framework (NPPF) and design policies of the adopted development plan and the adopted supplementary planning documents:
 - West Berkshire Core Strategy (2006 – 2026) (Adopted July 2012)
 - Quality Design Supplementary Planning Document (SPD).
 - Greenham Common Airbase Planning Brief (1994).
- 1.6 Further information about the history of the site is provided in section 2. Please also refer to the Statement of Reasons for the context.

1.7 This guidance is structured as follows:

- General guidance for all permitted development within the LDO area;
- Guidance for developments within different zones of the LDO area; and
- More specific guidance for the development of individual development plots.

2 General Design Guidance:

- 2.1 This section provides general design guidance for the LDO area and is relevant to all proposed developments.
- 2.2 The layout, landscape and visual impact of new buildings is an important design consideration to achieve a successful, functional, accessible and well assimilated development.

A. Layout and movement

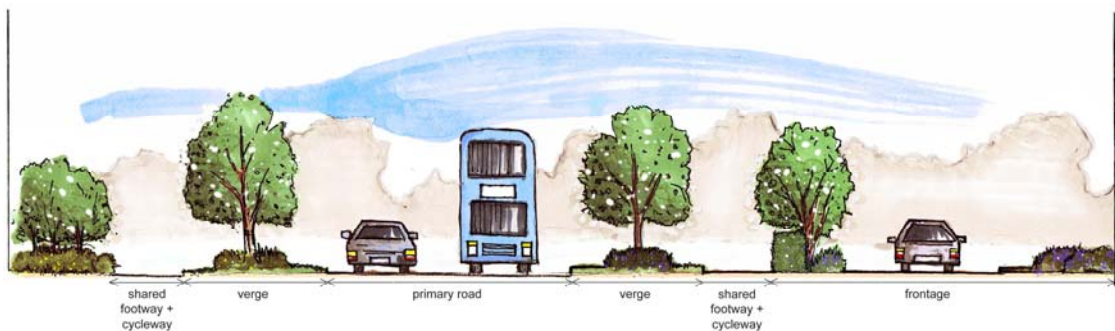
Primary Roads

- 2.3 There are two key primary roads (private estate roads), which come off from the A339 which form gateways into the Greenham Common Business Park:
- Main Street
 - Albury Way
- 2.4 These gateways should be retained and enhanced through new developments. However, the alignment of these primary roads within the park may need some modification to facilitate new development permitted by the LDO.
- 2.5 Where opportunities and function allow, new buildings should have a set-back of 10m or more to maintain a generous frontage to plots, allowing for access, car parking and planting.
- 2.6 Building frontages should be framed wherever possible to allow for tree and ornamental planting, which will assist screening car parking and soften views into the plot.
- 2.7 Within the Greenham Business Park road network, footpaths at a minimum width of 2.0 meters should be provided on both sides of the road for primary roads. Ideally footpaths should be set back from the road behind a verge. Where opportunities and function allow, the primary roads will have

generous verges which provides enough depth for grass, ornamental shrub and avenue tree planting, where larger trees, with a longer life span are encouraged.

- 2.8 Frontages are to be provided with soft landscape in keeping with the overall themes of the wider site context and to define front boundary lines by way of planting strip, hedge or similar.
- 2.9 The design of a building should reflect its function, with active frontages facing onto a street, ensuring servicing points, ancillary buildings, production areas and main parking areas should be planned to rear of plots away from main access road and shielded from view.

Figure 1: Primary Road General Layout



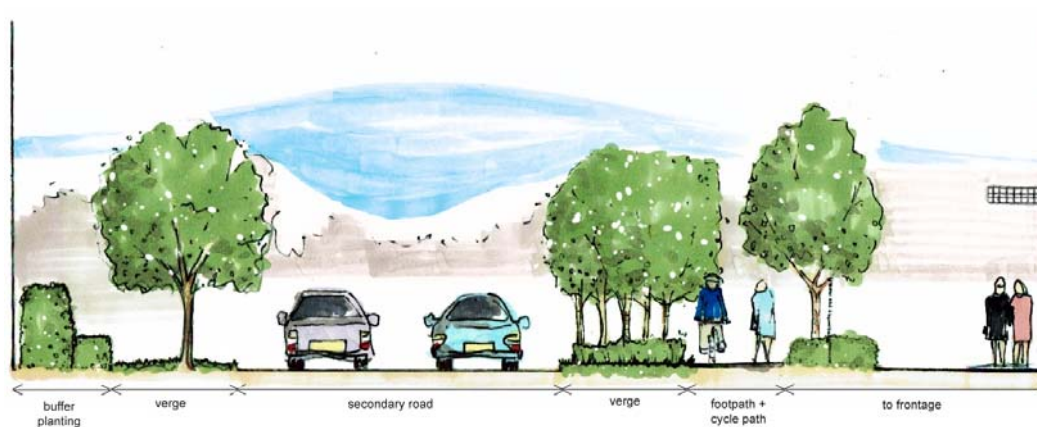
Secondary Roads

- 2.10 These connect the various areas and use zones within the site. These tend to be less wide than primary roads and provide links between the primary routes to individual plots. The road layout may be adjusted to accommodate future development. Frontages will vary from plot to plot and will be driven by function to maintain a reasonable frontage to plots, allowing for access and planting.
- 2.11 Within the Greenham Business Park road network, footpaths at a minimum width of 2.0 meters should be provided on at least one side of the road for

secondary roads. Ideally footpaths should be set back from the road behind a verge.

- 2.12 Where opportunities and function allow, the secondary roads will have verges which provide enough depth for grass and tree planting, with some ornamental shrub planting.

Figure 2: Secondary Road General Layout



Access for All

- 2.13 Pedestrian circulation should be in compliance with the Equality Act 2010, ensuring the business park makes reasonable adjustment to any physical feature i.e. Steps, paths etc. within the landscape which might put a disabled person at a substantial disadvantage. Future development should look to provide safe crossing points, and support connectivity for all users within the park.
- 2.14 A network of footpaths and cycle routes should be maintained and enhanced wherever possible, to connect to the existing access routes to Greenham Common and the A339.
- 2.15 Car parking should include the standard number of spaces for disabled users as described by the BS8300 and Part M of the Building Regulations. Other aspects of access to the buildings will also be governed by these

guidelines.

- 2.16 The provision of motorcycle parking and cycle shelters and stands should be provided for occupiers of each plot, with the number and specification guided by the West Berkshire Planning Authority (Refer to cycle and Motorcycle Advice and Standards for new Development Guidance Note – Draft for Consultation August 2014). Cycle stands should be located at easily accessible locations and should be visible on approaching buildings to maximise the prominence of the use of alternative modes of transport.

Emergency access

- 2.17 Sufficient space should be provided for emergency vehicles to enter and leave each development site unobstructed.

B. Landscape Strategy

- 2.18 A Landscape and Visual Appraisal has been carried out to determine the potential impact of new buildings within the Greenham Business Park. As part of this process a series of long sections through potential development sites (Appendix 1) has informed the visual and landscape assessment and have helped frame the parameters of future development in terms of height, scale and mass, and have identified the need for some additional screening and mitigation on the northern boundary.
- 2.19 The Landscape Strategy is to maintain and where appropriate enhance the existing landscape framework, particularly to the northern boundary adjoining Greenham Common (as shown in Appendix 1). This recognises the importance of landscape as a contributor to the creation of an attractive and successful business community, connecting buildings and people to their surrounding environment, and responds to policy CS19 of the Core Strategy (Historic Environment and Landscape Character).
- 2.20 Measures to maintain and enhance the eastern boundary, adjacent to residential properties, will maintain a good level of screening. With the

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western boundary, adjacent to existing woodland, planting will be supplemented within the site, to ensure that a robust level of screening can be retained within the management of the business park.

2.21 In addition to the building height restrictions (LDO Plan 3), the Landscape Strategy has taken into account landscape and ecology issues, and seeks to deliver the following objectives:

- Assist with the successful transformation of the former MoD site to a successful, modern business park, with strong links to the adjoining urban environment, and to Greenham Common.
- Integrate the Landscape Strategy with biodiversity objectives;
- Create a desirable setting for existing and prospective tenants in order to create a vibrant business park;
- Integrate new built form into the surrounding landscape through appropriate use of soft landscaping;
- Maintain and improve access and links to the green-space network, and contribute to wildlife corridors;
- Encourage public access to green spaces within and beyond the site to promote health and well being through attractive opportunities for recreation including promoting walking/running opportunities, and enhancing links to adjoining areas of open space;
- Ensure that the landscape contributes to the coherence of the business park, linking individual zones and contributing to the identity of the Greenham Business Park.

2.22 The following actions can be carried out to achieve the objectives in support of the Landscape Strategy:

- Enhance boundary treatments, particularly within the development plots on

the northern boundary.

- Ensure a comprehensive tree planting strategy, which establishes a hierarchy of trees applied to each zone, with a preference for native species, particularly closer to the ecologically sensitive Greenham Common and larger, long-lived trees along primary route avenues, where space allows.
- Maintain and enhance the gateways into the site from the A339;
- Integrate existing trees into developments where feasible. Otherwise, where trees are removed for development, these should be replaced within the business park at a 1:1.5 ratio or higher;
- Additional tree planting and shrub planting to provide screening to sensitive boundaries, with a preference for native species (see appendix 2). This will assist in reducing the dominance of buildings and will help to create wildlife corridors, linking adjoining ecologically diverse areas.
- Soft landscape should be used to screen, enhance and frame the built form, to define plot boundaries and contribute to a sense of place;
- Planting should be designed with resilience in mind; with a focus on future maintenance regimes and should be drought-tolerant and robust, whilst providing colour and interest for all seasons. Developers should consider a combination of deciduous and evergreen species to provide seasonal interest and year-round cover, along with bulbs for seasonal colour in grass areas (see appendix 2).
- Provide opportunities for external seating areas within plot boundaries where feasible, and consider the creation of green spaces to provide break-out / lunchtime spaces which are attractive to visitors and users of the business park;
- Green links should be over-looked by development to aid safety and

security through passive surveillance.

Area of Historic Interest

- 2.23 The LDO area covers part of the former military airbase, established in the 1940s as RAF Greenham Common. It was later used by the USAAF from the 1950s, a period which saw significant redevelopment of the airfield, including an extensive technical and accommodation area south of the extended runway. Ground cruise missiles were based here in the late 1970s and 1980s. The USAAF returned the base to the MoD in 1992 and it was purchased by the Greenham Common Trust (GCT), a public/private partnership, in 1997 to establish a business park within the former technical and accommodation area. The unbuilt Commons were sold to Newbury District Council for £1 and returned to public access with a grant from GCT to assist with the restoration.
- 2.24 A summary of the historical interest of the site is provided in the Heritage Statement prepared in support of the LDO.
- 2.25 The WWII Memorial commemorating the American troops who died whilst based in Berkshire during World War II is located within the LDO area and is managed by the Greenham Trust.
- 2.26 All new development should have regard to the setting and character of this area of historic interest.

C. Architecture

- 2.27 The following general guidance on architectural design should inform all new development within the LDO area. More specific guidance is provided in the proceeding sections.
- 2.28 The architectural design of new development should reflect Policy CS14 of the West Berkshire Local Plan, and the guidance outlined in the Quality Design – West Berkshire Supplementary Planning Document (SPD) parts

- 1 and 4.
- 2.29 Greenham Business Park is already established as a mixed-use area with a variety of architectural styles reflecting the variety of uses. New buildings are to be of high quality design, in line with the SPD Part 1, whilst functional, adaptable and deliverable.
- 2.30 The design of buildings should seek to incorporate innovative and creative design solutions, where appropriate.
- 2.31 New buildings should be robust and appropriate to their use, with form following function. The design should reflect to the observer the type of use or activities of the building.
- 2.32 Main entrances should be clearly expressed and be identifiable from the public street network.
- 2.33 The design of buildings should express a clear distinction between public and private spaces and access, with service and delivery areas being screened from the main public streets.
- 2.34 The fenestration of buildings should be appropriate to the commercial scale of the development avoiding domestic elements.
- 2.35 A variety of form, massing and orientation should be considered as appropriate, to provide a dynamic street scene, avoiding repetitive or dominating elements.
- 2.36 Landmark buildings may form part of the wider strategy, and these should be designed appropriately to provide focus and articulation, improving the legibility of the street scene. Their location and orientation should ensure they are key elements in important views through the site. (SPD Part 1, 2.6.3)
- 2.37 Buildings will not exceed the heights prescribed in the Building Heights Plan, (LDO Plan 3 – Building Heights Plan), unless approved through a

separate planning permission.

2.38 Although the use of a variety of materials across the site is encouraged, these should be used in a manner to aid legibility and consistency within the street scene. The design of facade treatment of prominent buildings should seek to use less visually obtrusive colours and materials.

2.39 Energy efficiency and sustainability is encouraged across the site, and buildings should embrace technologies and solutions that can facilitate this as appropriate. Examples are outlined below.

Building materials

2.40 Examples of appropriate types of cladding for the business park are:

- Profiled metal cladding which comes in a range of colours and is suitable for B2 and B8 units.
- Cor-ten steel and patinated copper cladding: Either pre-treated or allowed to change over time to create dynamic, changing facades. The colours and patterns allow a building to blend well with its natural context, or provide striking contrast to the street scene as a landmark building. Care must be taken at drip-details to avoid run-off and staining of adjoining materials.
- Composite cladding panels: Suitable for commercial and industrial units. Available in a range of sizes and finishes to suit the building and context.
- Terracotta cladding panels: Contemporary use of a traditional material. Suitable for commercial development.
- Vertical timber cladding: Can be used to clad sensitive elevations, to soften the visual impact of the built form, in particular the northern boundary. A vertical arrangement should be used, as opposed to horizontal cladding, to lessen the dominance of long elevations.
- Louvred façades: Can be incorporated to help control solar gain and add

depth and interest to the elevation.

D. Sustainability and adaptability

2.41 The following design objectives should be considered, to help in achieving a sustainable development, in line with the SPD Part 4:

- Achieve an efficient use of land and avoid sterilisation of any other potential development plots within the LDO area;
- Maximise non-vehicle access to development and facilities by ensuring convenient links to public transport, footpaths and cycle routes;
- Minimise resource use in building construction and operation;
- Increase biodiversity and enhance landscape features;
- Provide healthy and attractive working environments;
- Provide for electrical vehicle charge points for all parking areas wherever feasible, to facilitate the growth in the use of electric vehicles.
- The development of buildings to a BREEAM rating of 'Very Good' where feasible and deliverable. To achieve this, the design of buildings should, where feasible and deliverable, utilise a combination of renewable energy sources and passive design to reduce the building's reliance on energy and mechanical systems.

Adaptability objectives:

2.42 Creating a flexible and adaptable business environment is a key priority to encourage the long-term success of the business park. To help to achieve this priority the following design objectives should be considered for all developments:

- Provide flexibility of use in building design to allow for a variation in occupation over the lifetime of the development;
- Buildings to be kept flexible and adaptable so they can either be changed

from single occupancy to multi occupancy, extended or change their use;

- Allow for accommodating future technological advances and environmental requirements to secure future demand;
- Provide appropriate flexibility in access and parking provision.

E. Hard and Soft Landscape

2.43 To achieve a strong sense of place, a degree of consistency in the use of hard and soft landscaping treatments is encouraged. Indicative paving / street furniture materials are shown below.

Pavement Materials (Indicative examples):



To paving and shared cycle/paving routes outside of plots: e.g. Tegula Brindle Paving by Tobermore (image copyright Tobermore)



To building entrances and footpaths: Granite concrete paving flags, preferably permeable: e.g. Mayfair by Tobermore (image copyright Tobermore)



To building entrances and footpaths within plots Granite concrete paving blocks, preferably permeable: e.g. Fusion by Tobermore (image copyright Tobermore)



To footpaths away from building frontages: Macadam; preferably permeable to assist with sustainable drainage (image copyright Tarmac)

Parking and Service Yard Materials (Indicative examples):



Block paving 100 x 200mm, preferably permeable laid in herringbone formation: e.g. Hydropave pedestra by Tobermore (image copyright Tobermore)



Interlocking block system for heavy duty areas: e.g. L-shaped Toberloc by Tobermore (image copyright Tobermore)



Concrete to service yards only (image copyright M&H Groundworks)



Macadam; preferably permeable to assist with sustainable drainage (image copyright Tarmac)

Bollards, Lighting and Lighting Bollards:



Bollards: Contemporary stainless steel ie. Broxap Heaton or BX 47 005 (images copyright Broxap)

F. Ecology and Biodiversity

2.44 Policy CS17 of the West Berkshire Local Plan 2002-2026, adopted in July 2012 seeks to achieve net gains in biodiversity.

2.45 Opportunities for net gains are limited within the LDO area, noting it is a previously developed site. The former 'Technical Area' of the airbase is distinguished from the Common which was returned to public ownership in 1995, with public access restored following a GCT grant in 2000, and is now managed by BBOWT¹. Nevertheless, the following measures have been identified through the supporting Ecology Report (Phase I and II Habitat Surveys) to support and enhance existing ecology on site:

- Existing site access points will be used to maintain the continuity of boundary planting around the business park which provides an important habitat buffer;
- Maintain 'dark corridors' around the perimeter of the business park, with external lighting kept to a minimum to limit the effects of light pollution on foraging and commuting bats.

2.46 A range of biodiversity enhancements are also encouraged as part of the site development through the LDO to ensure the biodiversity interest of the site is maintained or enhanced, these include:

- Provide additional tree and understory planting to existing buffer areas, adjacent to areas of sensitivity i.e. Northern bund and eastern boundary, where feasible.
- The creation of a network of green infrastructure through landscaping of development plots in areas currently dominated by hard standing and low-grade amenity grass, will ensure the long-term enhancement of a high-

¹ Berks, Bucks and Oxon Wildlife Trust

quality landscape and support biodiversity conservation.

G. Boundary treatments including fencing, gates and barriers

- 2.47 Large expanses of blank walls running adjacent to primary or secondary roads should be avoided where possible. Fences and boundary treatment should provide a good level of visibility and be appropriate to the use of the site.
- 2.48 Fencing along boundaries forward of any landscape boundary planting should normally be avoided.
- 2.49 Where a development has a side boundary to other plots, fencing to the boundary should be a maximum of 2.0 metres high unless the functional requirements require otherwise.
- 2.50 Fencing along rear boundaries (not having street frontage) should be no more than 2.0 metres high unless the functional requirements require otherwise.
- 2.51 Security fencing should not normally protrude beyond building frontage lines. Any frontage fencing beyond this line should normally be no higher than 1 metre tall and is to be visually permeable. Where appropriate, it can be combined with frontage planting.

H. External Lighting and CCTV

- 2.52 The following lighting principles are to be used throughout the site to manage light spill into the surrounding area:
- Provide a minimal level of lighting to ensure the safety of vehicle, pedestrian and cycle traffic, and amenity lighting for outdoor areas / recreational spaces.
 - Retention of 'dark corridors' on the business park boundaries; external lighting should always be directed into the site to protect the ecological

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sensitive areas.

- Roadway lighting to be a column mounted solution. Utilising the latest LED technology is encouraged.
- At the gateways to the site, minimise lighting of signage to an appropriate level, with bollard lighting to pathways.

2.53 CCTV infrastructure should, wherever possible, be mounted on existing buildings and structures to avoid cluttering.

2.54 Examples of appropriate external lighting:



Illuminated bollard contemporary stainless steel e.g. Geo illuminated bollard (image copyright Marshalls) or Mansfield Domed Top Illuminated Bollard (image copyright Broxap)



Lamp Column: Contemporary, LED lighting, energy efficient and 'nighttime friendly' e.g. Denver Elite Pole (image copyright Holophane).

3 Use Zone Design Principles:

- 3.1 This section provides specific guidance for the use zones identified in the Land Use Plan (LDO Plan 2) and should also be considered with the Building Heights Plan (LDO Plan 3).

Zone A - Business Use Zone Primary Uses Only (excluding northern boundary)

- 3.2 Zone A is accessed via Albury Way or Main Street, both Primary Roads. Secondary Road access is provided by Lindenmuth Way, Fourth Street and Jones Drive.
- 3.3 As shown on LDO Plan 2, only primary uses specified in the LDO are permitted in this zone.
- 3.4 A typical B1 development plot will have a ratio of 55% built form to 35-40% delivery and car parking to 5-10% soft landscaping.
- 3.5 A typical B2/B8 development plot will have a ratio of 50% built form to 40-45% delivery and car parking to 5-10% soft landscaping.
- 3.6 Maximum building height is reduced along the northern boundary (see the specific guidance for this area below).
- 3.7 Building materials should be from a more limited palette to reflect the limitation to primary uses in this zone, contrasting the wider mix of uses elsewhere.
- 3.8 Pavement within the plot boundary should contrast with the surrounding car park and pavement to the road, by using flag units or blocks which should be permeable wherever possible, in a colour to complement the façade of the building. For example; Hydropave Mayfair flags, or Hydropave Fusion blocks, by Tobermore or similar. Alternatively, macadam (preferably permeable) may be appropriate for footpaths away from the building frontage.

DESIGN OBJECTIVES FOR TYPICAL B1 PLOT LAYOUT

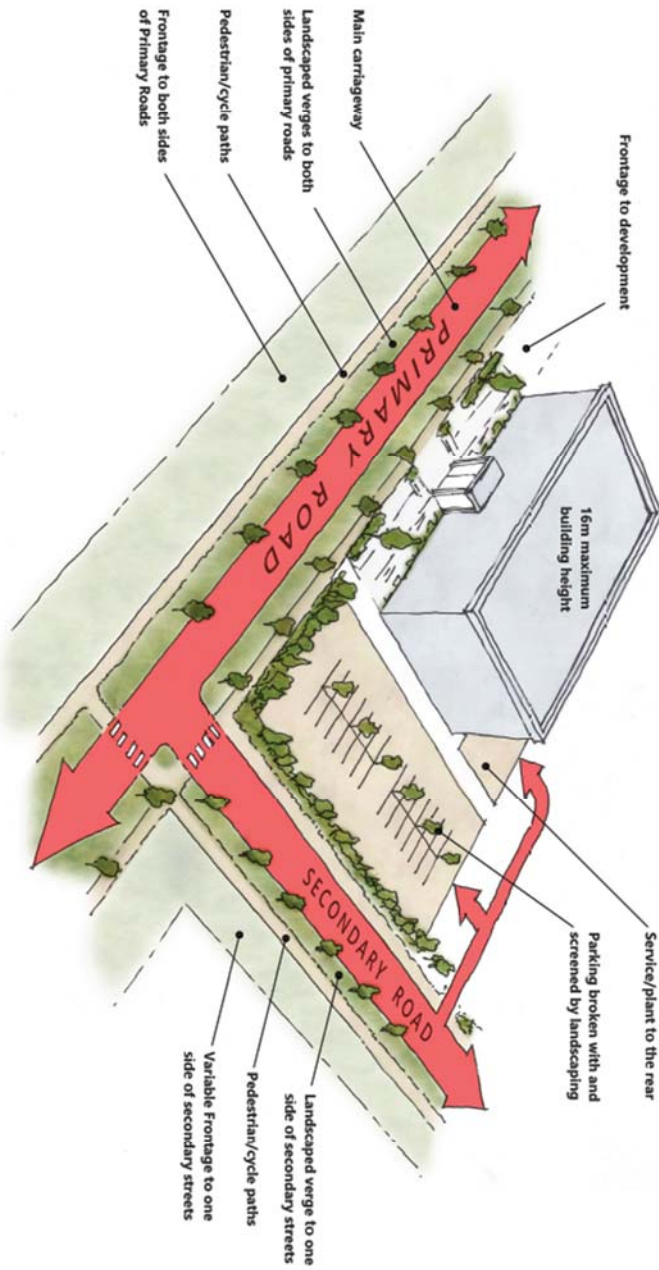


Figure 3: Typical B1 plot layout

Zone A - Business Use Zone- Primary Uses Only (Northern Boundary)

- 3.9 Zone A Northern Boundary abuts Greenham Common and is partly located on top of the plateau. This makes this zone particularly sensitive to views towards the site from the north. Within the northern part of Zone A there is a 3m height range across the site west to east over a distance of some 750m. This small height variation is not easily perceived in views from Greenham Common.
- 3.10 With much of the area within, and to the north of, Zone A laid to macadam and concrete (used for long term car parking) views within the site are long ranging. Zone A Northern Boundary is accessed via Albury Way or Main Street, both Primary Roads. A number of secondary roads lead off into Zone A including Lindenmuth Way, Sixth Street, and Ministry Road abuts the Northern Zone on its southern boundary. The north west of Zone A is accessed via Warehouse Road and Buckner Croke Way.
- 3.11 Building height on the northern boundary is reduced to mitigate the impact on views from the Common (LDO Plan 3).
- 3.12 In addition to the design considerations for the rest of Zone A, further mitigation measures will take into account roof profiles, materials, sensitive lighting specification and location.
- 3.13 A typical plot ratio of 40% built form to 40% delivery and car parking infrastructure to 20% soft landscaping.
- 3.14 Buildings should be varied in height and profile to lessen the dominance of the built form against the skyline. Building orientation and varying the space between buildings should look to reduce the impact of the buildings against the skyline and maintain views into and out from the site, thereby avoiding the perception of a 'wall' of built form on this boundary, whilst also achieving an efficient use of this area.
- 3.15 Building facades should be clad with earth tone colours to reflect the adjacent landscape/skyscape, and materials used that will break up the

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facades and help to lessen the dominance of the buildings to users of Greenham Common.

- 3.16 Where required, reinforcement of the existing bund tree planting can be achieved through tree planting adjacent to the feature, within the development plots, to screen and mitigate views into the business park. A preference for native species, and a mixture of deciduous and evergreen species would be appropriate. In addition, low level native hedge and shrub planting will assist in defining the LDO boundary and will screen low level views.
- 3.17 High level lighting should be avoided if possible, and security lighting sensitively located (inwards facing) to ensure that light pollution into Greenham Common is limited.

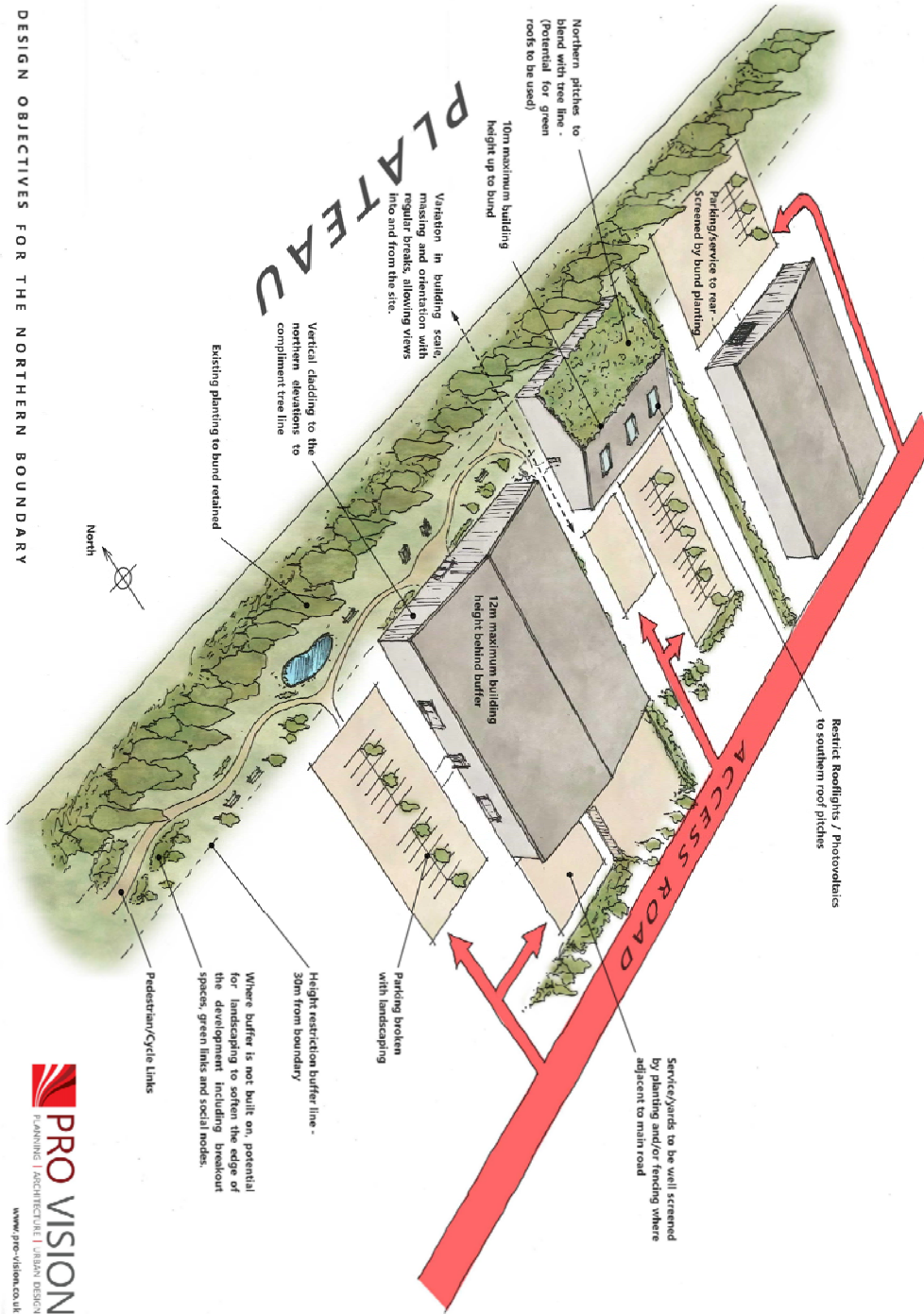


Figure 4: Design objectives for northern boundary

Zone B - Mixed Use Zone – Primary and Secondary Uses

- 3.18 This central business zone within the site provides opportunity for several large plots for new developments within what is currently occupied by low lying former military buildings. Zone B is accessed via the two Primary Roads, Albury Way defining its western extent and Main Street which bisects it. Secondary Roads lead off from this street and provide connections to Albury Way and to Zone C. These include Lindenmuth Way, Weber Road, Wafford Way, Third Street, Sixth Street, Engineers Road and Ministry Road.
- 3.19 Given the potential for a greater mix of uses in this zone, there are different design considerations and opportunities, but a degree of coordination is encouraged to seek to achieve successful integration of the various uses.
- 3.20 A typical plot ratio of 50% built form to 40% delivery and car parking to 10% soft landscaping.
- 3.21 It will be appropriate for there to be a more varied palette of building materials in this zone to reflect the greater variety of uses.
- 3.22 New development should create strong frontages onto primary roads (wherever they maybe) to reinforce them as the primary routes into the site.
- 3.23 Primary entrances into the site from Albury Way and Main Street should be reinforced as gateways into the business park, through the maintenance of existing trees and further structural planting in verges to create green avenues.
- 3.24 Pavement adjacent to the road should be established on both sides of the road along primary roads.
- 3.25 Pavement within the plot boundary should contrast with the surrounding car park and pavement to the road, by using flag units or blocks which should be permeable wherever possible, in a colour to complement the façade of the building. For example; Hydropave Mayfair flags, or Hydropave Fusion

blocks, by Tobermore or similar approved. Alternatively, macadam (preferably permeable) may be appropriate for footpaths away from the building frontage.

Zone C – Mixed Use Zone – Primary and Secondary Use (excluding B2/B8)

3.26 This use zone is relatively self-contained and has a mix of existing uses within a range of building styles. The existing development within this zone is of generally medium scale and height with buildings being set within their own plots including car parking with some open pockets of green space. This form and pattern of development is likely to continue. Access is via Main Street (primary road).

3.27 Design of new development in this zone should:

- Ensure that new development is respectful of the amenity of neighboring dwellings, with additional planting to strengthen the eastern boundary encouraged, in line with saved policy OSV6 and the NPPF.
- Have a typical plot ratio of 40% built form to 55% delivery and car parking to 5% soft landscaping.
- Pavement within the plot boundary should contrast with the surrounding carpark and pavement to the road, by using flag units or blocks which should be permeable wherever possible, in a colour to complement the façade of the building. For example; Hydropave Mayfair flags, or Hydropave Fusion blocks, by Tobermore or similar approved. Alternatively, macadam (preferably permeable) may be appropriate for footpaths away from the building frontage.
- Where parking outside of offices is provided, these should be macadam and block paving. Service yards to warehouse/light industry buildings should be laid in macadam, or concrete.

4 Plot Design Principles

4.1 This section provides more specific design guidance for individual development plots within the LDO area.

Hard and Soft Landscaping:

4.2 Selection of materials should be considered along with agreement of a strategy for surface water management and any sustainable urban drainage system (SUDS) required for the site (see the LDO conditions).

4.3 Permeable drainage is encouraged where feasible for pedestrian routes and car parking areas to achieve sustainable drainage objectives.

4.4 All parking requirements should be accommodated within the plot wherever possible. On street parking, or parking not within designated bays should be avoided.

4.5 The following broad principles are set out as planting aims:

- Green infrastructure – where developments link to boundary treatments adjacent to Greenham Common or the boundary with the A339, appropriate landscape treatments shall be proposed to supplement these in terms of character and/or species.
- Soft landscape should be used to enhance the appearance of the development, breaking up the facades of buildings, screening service areas or fencing, softening the appearance of large areas of car parking.
- Soft and hard landscape should be used to provide a setting to the development to complement the building and car park.
- Soft and hard landscape should be used to provide amenity for tenants and occupiers for breakout spaces.
- Trees, hedging and shrubs of sufficient size and extent should be used to soften large hard surfaces i.e. car parking areas.

Design for biodiversity:

4.6 The following ecological principles are to be integrated on plot by plot basis:

- In areas of development adjacent to the site boundaries, an ecologically sensitive areas the use of native species in planting plans is preferable to non-native species. Landscape planting in other areas of the development should use species of proven benefit to wildlife and will provide a biodiversity as well as aesthetic appeal.
- Layered planting (trees, shrubs, groundcover and bulb planting) utilising a diverse range of plants (avoiding large monocultural block planting) will assist in in creating plot biodiversity.
- As a guide, a minimum of 5% of individual plots should be soft landscaped allowing opportunity for biodiversity benefits.
- External lighting should be designed to reduce impact on ecology. Lighting will not be aimed at boundary trees or vegetation, and avoid any potential roosting features or those within the site installed as enhancements;
- External lighting on the perimeter boundaries will always be inward facing;
- Light hoods should be used to reduce light spillage; and
- Timed / motion sensor security lighting should be used where feasible to minimise the amount of artificial lighting.

Service Yards, Storage, Bin stores and Recycling

4.7 Service yards, staff car parks, decked parking areas, and refuse and storage structures will be screened either by buildings or planting from main circulation routes.

4.8 Vehicles should be able to manoeuvre, load and unload with ease and without inconvenience to other site areas, as well as ensuring that:

- All service vehicles are accommodated off the internal roads. Parking will

not normally be permitted on the estate roads.

- All service vehicles can enter and leave the site in forward gear, with adequate turning facilities within the site.
- Sufficient space is provided to maintain vehicular access to car parking areas.
- Parking for service vehicles should normally be located to the side and rear of the building only.
- Areas should be provided for waste storage, refuse containers and similar equipment, and should be accessible for servicing vehicles and screened from public view.
- Vehicle wash-down areas should be fitted with triple-interceptor traps.
- Care should also be taken to minimise adverse impacts upon adjoining owners caused by noise emission or effects from dust or odors, recognising however that this is an active commercial environment.

Cycle Parking

- 4.9 Cycle stands and shelters should be located to provide easy and safe access for employees and visitors.

Cycle Stands and Shelters (indicative examples):



Cycle Stand covered and minimalistic e.g. Apollo Cycle Shelter by Broxap (image copyright Broxap)



Sheffield Cycle Stand e.g. Sheffield Cycle Stand by Broxap (image copyright Broxap)

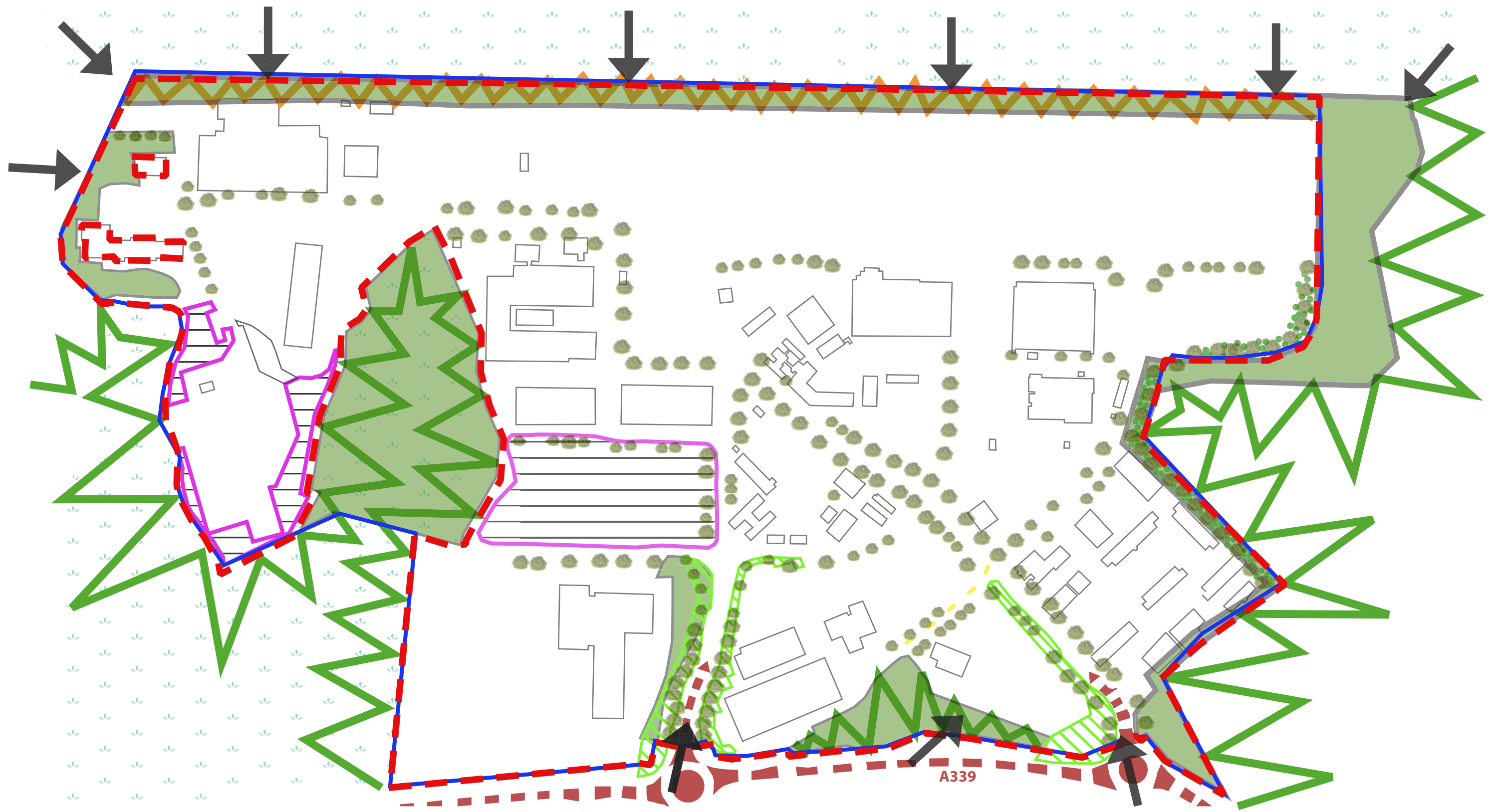
External Lighting

- 4.10 As well as the ecology considerations addressed above, lighting associated with new development should be designed to:












- Have column mounted lighting for car parks, utilising high performance fittings.
- Incorporate lighting of buildings, signs and landscaping into the structure or landscaping so that the lighting equipment is discreet. Lighting should highlight chosen elements or features and not wash over the entire building, sign or landscaping.
- All car parking and access ways shall be illuminated. Lighting shall be no higher than the 10 metres and shall be baffled to prevent light spill beyond the development boundary.
- Have controllable lighting so that car parks and building feature lighting can

be switched off at times when not operationally required.

APPENDIX 1: Landscape Framework

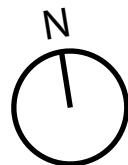
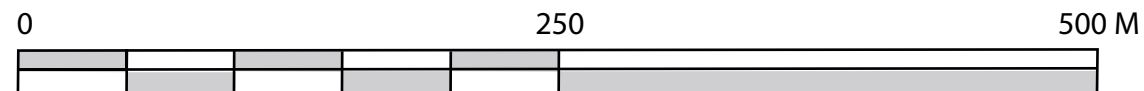


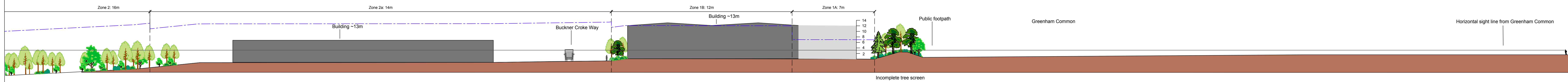
KEY

- | | | |
|---|---|--|
|  Woodland Screening |  Strategic Boundary Planting |  LDO Area 53.2 ha |
|  Strategic Landscape Zone |  Area of Ecological Importance |  Business Park Boundary 60.9 ha |
|  Indicative Highway Planting |  Gateway Planting |  Northern Bund: No Additional Screening Planting to this Area, Area is a Receptor Site for Reptiles |
|  Greenham & Crookham Commons SSSI |  Sensitive Views into Site | |

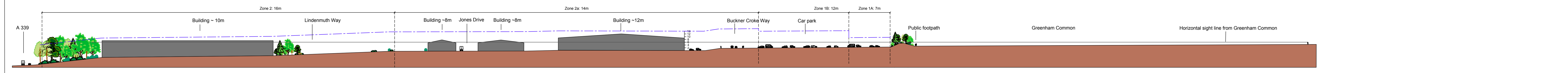
Project
GREENHAM COMMON
 Description
DRAFT LANDSCAPE FRAMEWORK

Scale	Date
1:3500 @ A3	09/04/2018
Drg. No	
ASA-534-DR-010	

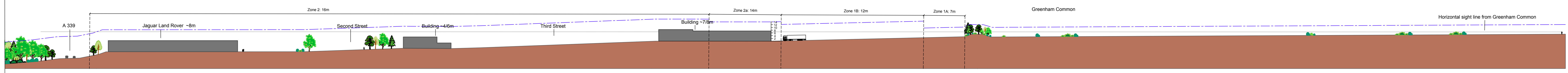




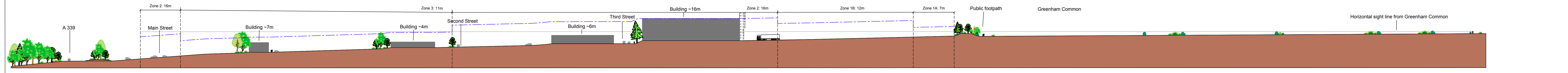
SECTION AA 1:500



SECTION BB 1:1000

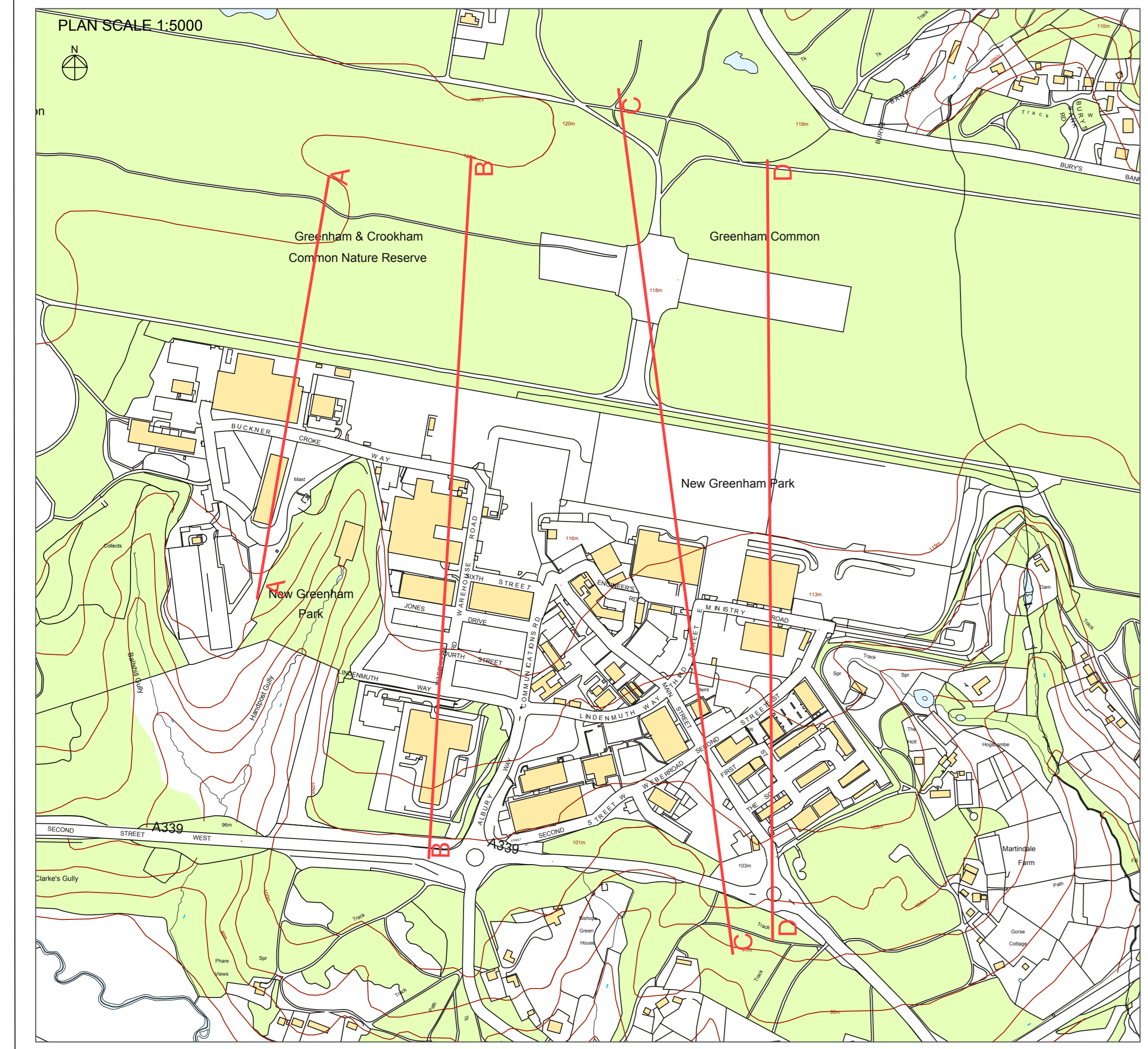


SECTION CC 1:1000



SECTION DD 1:1000

Page 08




Do not scale from the drawing, use figured dimensions only. Levels and dimensions to be checked on site prior to commencement of work. All discrepancies to be reported to the landscape architect immediately. Drawings issued as Draft or Sketch should not be used for construction purposes. Drawings should not be copied, altered or used without permission from Anthony Stiff Associates.

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Zone heights added	C	VF	25/07/18
For Planning	B	VF	10/04/18
Cross section DD added	A	SB	14/12/17

Revision description	No.	By	Date

	
Status	FOR PLANNING
Project	GREENHAM BUSINESS PARK
Description	Figure 3 Cross Sections AA, BB, CC, DD
Scale(s)	vary @ A0
Date	1/12/2017
Drawn By	BM
Checked By	AS
Drg. No.	ASA-534-DR-001
Rev.	C
Dwg.	Draw

APPENDIX 2: Indicative Palette of Plants

Ornamental Planting:

Plant Name	Ht/Sprd/Gr	Container	Root	Density
Ajuga reptans 'Catlins Giant'	20-30cm	2L	C	12.00/m ²
Bergenia 'Bressingham White'	20-30cm	2L	C	12.00/m ²
Buxus sempervirens	30-40cm	3L	C	9.00/m ²
Carex morrowii 'Ice Dance'	30-40cm	3L	C	9.00/m ²
Cotoneaster dammeri	30-40cm	3L	C	9.00/m ²
Euonymus fortunei 'Silver Queen'	30-40cm	3L	C	7.00/m ²
Euonymus jap. 'Green Rocket'	30-50cm	3L	C	9.00/m ²
Geranium 'Brookside'	30-40cm	2L	C	12.00/m ²
Hebe 'Wiri Image'	30-40cm	3L	C	9.00/m ²
Helleborus orientalis	20-30cm	2L	C	12.00/m ²
Liriope muscari	20-30cm	2L	C	12.00/m ²
Mahonia aquifolium	30-40cm	3L	C	9.00/m ²
Miscanthus sinensis 'Starlight'	30-40cm	3L	C	9.00/m ²
Persicaria affiine 'Darjeeling Red'	30-40cm	2L	C	12.00/m ²
Pinus mugo 'mops'	30-40cm	3L	C	7.00/m ²
Prunus laurocerasus 'Otto Luyken'	30-40cm	3L	C	7.00/m ²
Prunus lusitanica (hedge)	60-80cm	RB/5L		6.00/m
Rudbeckia fulgida 'Goldsturn'	30-40cm	3L	C	12.00/m ²
Spiraea nipponica 'Snowmound'	40-60cm	3L	C	6.00/m ²

Native Hedge Species:

Plant Name	Ht/Sprd/Gr	Container	Root	Density
Buxus sempervirens	30-40cm	3L	C	9.00/m2
Carpinus betulus	80/100cm height		Bare Root	5/ lin m
Corylus avellana	90/120cm height		Bare Root	7/lin m
Crataegus monogyna	90/120cm height		Bare Root	5/ lin m
Fagus sylvatica	90/120cm height		Bare Root	7/lin m
Ilex aquifolium	40/60cm height		Bare Root	5/lin m
Ribes sanguineum	60/90cm height		Bare Root	7/lin m
Lavandula angustifolia	20/30cm height	3L	C	9.00/m2
Taxus baccata	30/40cm height		Bare Root	5/lin m

Suitable Trees:

Tree Name (Ornamental)	Girth
Acer campestre 'Streetwise'	18-20cm
Betula utilis 'Jacquemontii'	18-20cm
Carpinus betulus 'fastigiata'	4-5m height
Corylus columna	18-20cm
Pyrus calleryana 'Chanticleer'	18-20cm

Tree Name (Native)	Girth
Betula pendula	18-20cm
Prunus avium	18-20cm

Quercus robur	18-20cm
Sorbus aucuparia	16-18cm
Tilia platyphyllos	18-20cm

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Appendix D Pre-development notification form

This form is to be completed for all development proposals under the Greenham Business Park LDO.

In assessing the information provided on this form and the plans and supporting information provided, the Local Planning Authority (LPA) will only consider whether your proposal is of a type which constitutes permitted development as provided for by the LDO and, as such, no opinion will be provided on other forms of potentially permitted development. With regard to planning, this will constitute a formal response as required by the LDO.

This form must be completed and submitted to the LPA together with the following plan:

- Site Location Plan (scale 1:1250 or 1:2500)

The following plans will also be required if relevant to the proposed development:

- Proposed Block Plan (scale 1:500 or 1:200)
- Proposed Floor Plans (scale 1:500 or 1:200)
- Proposed Elevations (1:50 or 1:100).

All measurements should be provided in metric and floor areas specified as Gross Internal Area (GIA).

The 'Pre-development notification fee' must be paid to the LPA with the submission of this form:

- Major developments¹- £500
- All other development - £200.

Please refer to Section 4 of the LDO for further information about how the LPA will respond to your pre-development notification.

The completed form, drawings and any other supporting information must be sent to:

Development and Planning, West Berkshire Council, Council Offices, Market Street, Newbury, RG14 5LD.

Or, emailed to: planapps@westberks.gov.uk

All pre-development notifications will be published by the LPA on its planning applications website.

¹As defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Greenham Business Park LDO

Pre-development notification form

1. Applicant details		
Name/company/organisation		
Address		
Post Code		
Telephone		
Email		
2. Agent details		
Name/company		
Address		
Post Code		
Telephone		
Email		
3. Description of proposed development, including Use Classes		
4. Existing and proposed Use Classes within the development plot		
	Existing	Proposed
B1a (Office)		
B1b (R&D)		
B1c (Light industry)		
B2 (General Industry)		

	B8 (Storage & Distribution)		
	Data Centre (sui generis)		
	Motor vehicle sales (sui generis)		
	A1 (Shops)		
	A3 (Restaurants and cafes)		
	D1 (Non-residential institutions)		
	D2 (Assembly and leisure)		
5.	Hours of Opening		
	Are hours of opening relevant to the proposed development? Yes/No		
	If yes, what are the proposed hours the opening?		
	Use	Monday to Friday	Saturday
			Sundays and Bank Holidays
			Unknown
6.	List of submitted plans		
7.	Brief statement of why you consider that the development is permitted by the LDO		
8.	Estimated date development will		

	commence	
9.	Details of further information submitted to support this notification	

9.	Declaration	<p>I/we hereby give notice of the intention to carry out the development described above under the provisions of Greenham Business Park LDO. I/we confirm that, should the proposed development be confirmed in writing by the LPA that it does not need planning permission, the development will be carried out in accordance with the details included in this form and the submitted plans, and in accordance with the conditions of the LDO.</p> <p>I/we understand that any variation from these details must be notified to the LPA in writing and may require re-assessment for compliance with the LDO.</p>
	Name	
	Signed	
	Date	



**Greenham Business Park
Local Development Order
Appendix E - Framework Travel Plan**



**Greenham Business Park
Local Development Order
Appendix E - Framework Travel Plan**

i-Transport LLP
Grove House
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Chineham Court
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RG24 8AG
Tel: 01256 338640
Fax: 01256 338644
www.i-transport.co.uk

i-Transport Ref: TW/GT/ITB12451-004C R

Date: 14 August 2018

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QUALITY MANAGEMENT

Report No.	Comments	Date	Author	Authorised
ITB12451-004 R	First Draft	04/04/2018	GT	TW
ITB12451-004A R	Consultation Draft	11/04/2018	GT	TW
ITB12451-004B R	Final	20/06/2018	GT	TW
ITB12451-004C R	Revised for new NPPF	14/08/2018	GT	TW

File ref: T:\Projects\12000 Series Project Numbers\12451ITB Greenham Business Park\Admin\Report and Tech
Notes\004\004A\004C\ITB12451-004C R - Framework Travel Plan.docx

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FIGURES

FIGURE T1	SITE LOCATION PLAN
FIGURE T2	ACCESSIBILITY PLAN

APPENDICES

APPENDIX A	LDO PARAMETERS (DRAFT)
APPENDIX B	GREEN TRANSPORT PLAN
APPENDIX C	DRAFT EMPLOYEE TRAVEL SURVEY

SECTION 1 INTRODUCTION

1.1 Background

1.1.1 i-Transport has been appointed by Greenham Trust to provide highways and transport advice regarding the preparation of a Local Development Order (LDO) in partnership with West Berkshire Council (WBC) to develop Greenham Business Park, Newbury.

1.1.2 A LDO is a flexible approach to providing planning consents on development sites which establishes a set of development parameters that are permissible on the site without the need for the grant of further planning consent. The use of a LDO provides long-term flexibility to the park to attract the right companies and to develop and deliver the commercial space that is required in the local area. The draft LDO Parameters are set out at **Appendix A** which identifies the permitted uses on the Park.

1.1.3 This Framework Travel Plan (FTP) has been produced to support the Transport Assessment (TA) (report reference: *ITB12451-003A R*) for the LDO proposal, which considers the wider transport implications of the potential development and which identifies a Sustainable Transport Strategy upon which this FTP is based.

1.1.4 This FTP sets the overarching Travel Plan objectives and strategy and will be responsible for coordinating the travel planning measures across the Park. For larger units developed on the site individual travel plans are likely to be required. For the purposes of Greenham Park, the following thresholds are identified where delivery of a bespoke Travel Plan is needed (in line with former DfT thresholds):

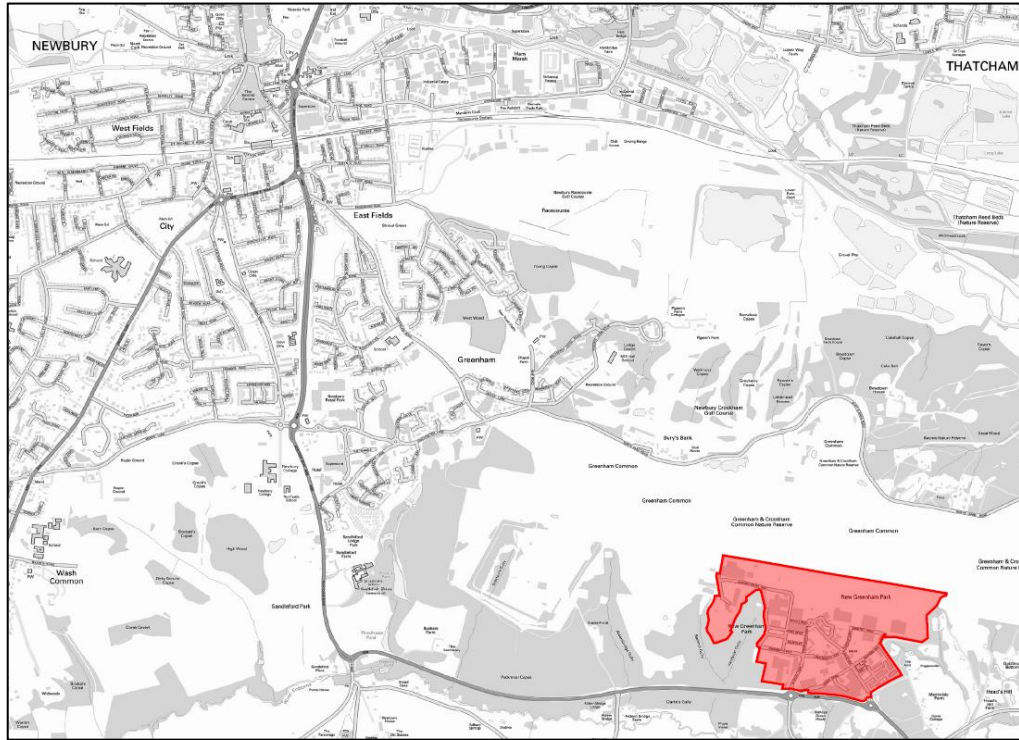
- A1 Retail – Units greater than 800sqm
- B1a, B1b and B1c – Units greater than 2,500sqm
- B2 – Units greater than 4,000sqm
- B8 – Units greater than 5,000sqm
- D1 - Units greater than 1,000sqm
- D2 - Units greater than 1,500sqm

1.1.5 This Travel Plan builds upon the Green Travel Plan (**Appendix B**) which was developed some 20 years ago when the Greenham Trust first gained an interest in the site.

1.2 Site Location

- 1.2.1 Greenham Business Park is located to the south-east of Newbury and Greenham, directly north of the A339 which connects Basingstoke and Newbury. **Figure 1** illustrates the location of the site and an extract is provided below (**Image 1**).

Image 1: Site Location



1.3 Existing Site Uses

- 1.3.1 Greenham Business Park is the foremost strategic employment area within West Berkshire. The park provides home to over 180 businesses providing around 2,000 jobs for local people. The park accommodates a very large range of uses and tenants, including B1a offices, B1b research, B1C Light Industrial, B2 industry and B8 storage and distribution.
- 1.3.2 In addition to the existing land uses, the site benefits from a significant planning history which has established a baseline of development for the park. This baseline comprises the Outline Permission for the site, (155587) along with approved Reserved Matters in 2003 (02/02048REM), along with major extant consents including Sainsburys distribution depot, and Marshalls concrete manufacturing plant.
- 1.3.3 **Table 1.1** presents a summary of the existing land uses on the site and the baseline permitted land uses.

Table 1.1: Floorspace – Existing and Extant

Use	Existing (Sqm)	Baseline (Sqm)
A1 – Retail	-	-
A3 – Restaurant	108.70	-
A5 – Takeaway	-	-
B1a – Offices	4,783.30	9,362
B1b – Research and Development	4,893.39	29,618
B1c – Light Industrial	1,993.05	6,779
B2 – General Industrial Estate	27,380.19	38,157
B8 – Commercial	13,591.43	58,510
D1 – Non-Residential	478.45	-
D2 – Assembly and Leisure	3,174.22	8,446
Car Showroom	4,052.99	-
Data Centre	8,361.27	-
Sui Generis	951.14	-
Other	13.94	833
Total	69,782.07	151,705

1.4 Relevant Transport Policy

National Planning Policy Framework (NPPF)

1.4.1 The revised National Planning Policy Framework (July 2018) sets the relevant policy background for the development of Travel Plans. Paragraph 103 states that development proposals should be focused in locations which are or can be made sustainable through limiting the need to travel and offering a choice of transport modes.

1.4.2 Paragraph 111 outlines all developments that will generate significant amounts of movement should be required to provide a travel Plan to the likely impacts of the proposal can be assessed.

National Planning Practice Guidance (NPPG)

1.4.3 The National Planning Practice Guidance was published in March 2014 and at Paragraph 003 sets out the key roles of Travel Plans in the development process:

“Travel Plans are long-term management strategies for integrating proposals for sustainable travel into the planning process. They are based on evidence of the anticipated transport impacts of development and set measures to promote and encourage sustainable travel (such as promoting walking and cycling)”

“Travel Plans should where possible, be considered in parallel to development proposals and readily integrated into the design and occupation of the new site rather than retrofitted after occupation.”

West Berkshire Local Plan (1991-2006) Saved Policies

- 1.4.4 The saved policies of the West Berkshire District Local Plan (1991-2006) forms part of the current Local Plan for the district. Saved policies are those policies that the Secretary of State agreed could continue to apply after 25 September 2007.
- 1.4.5 It is stated within the Saved Policies document that the Council will expect applications to be accompanied by a travel plan which should detail the proposed strategy to manage parking demand on the site and provide appropriate provision for alternative modes of travel. On this basis, this FTP is provided.
- 1.4.6 Parking provision for new development is included in Appendix 5 of the saved policies and is summarised in **Table 2.1**. This is based upon the approach proposed by the now superseded PPG13. Parking provision will be made in line with these standards.

Table 2.1: Saved Parking Standards

Land Use	Maximum Provision
A1 Food Retail	1 per 30m ² up to 1000m ²
	1 per 14m ² over 1000m ²
B1 Business	1 per 25m ² up to 2500m ²
	1 per 30m ² above 2500m ²
B2 General Industrial	1 per 25m ² up to 235m ²
	1 per 50m ² above 235m ²
B8 Storage and Distribution	1 per 25m ² up to 235m ²
	1 per 200m ² above 235m ²
D2 Conference Facilities	1 per 3 seats up to 1000m ²
	1 per 5 seats over 1000m ²

West Berkshire Core Strategy (July 2012)

- 1.4.7 The West Berkshire Core Strategy is the first development plan document within the new Local Plan and sets out a long-term vision for West Berkshire to 2026. The Core Strategy provides an overall framework for the more detailed policies and site-specific proposals to be contained in other documents of the Local Plan.
- 1.4.8 Within Transport policy CS 13, development that generates a transport impact will be required to prepare Transport Assessments / Statements and Travel Plans to support planning proposals in accordance with national guidance.

West Berkshire Local Transport Plan 3 (LTP3) (2011-2026)

1.4.9 The LTP 3 is a document which supports the delivery of a number of West Berkshire strategies and plans, between 1st April 2011 to 2026. It seeks to:

“Deliver effective transport solutions for all by increasing choice and minimising congestion”

1.4.10 Policy LTP SC3 states the council will require developers to submit travel plans with all major planning applications, or where it is considered a development will have a major impact on the transport network.

1.5 Scope of Travel Plan

1.5.1 This FTP has been developed in accordance with the National Planning Practice (NPPG) and outlines measures to encourage sustainable travel by modes other than single occupancy car use for users of the business park.

1.5.2 The FTP sets out the broad principles which will be applied across the business park and the FTP will oversee and coordinate travel planning on the site. Where individual units necessitate the development of a bespoke Travel Plan, these will be produced in line with this FTP, and will be coordinated to ensure a cohesive and comprehensive approach to the promotion of sustainable travel choices.

1.6 Structure of Travel Plan

1.6.1 The remainder of this FTP is structured as follows:

- **Section 2** describes the principles objectives and benefits of the plan;
- **Section 3** provides information on the LDO development proposal;
- **Section 4** considers the existing accessibility of the site by walking, cycling and public transport as well as the existing travel characteristics of the local area;
- **Section 5** outlines the targets for the Framework Travel Plan;
- **Section 6** sets out the measures that will be implemented by the FTP;
- **Section 7** identifies an implementation and management strategy for the FTP;
- **Section 8** describes how the FTP will be monitored against the Targets; and
- **Section 9** provides a summary of the Travel Plan.

SECTION 2 PRINCIPLES, OBJECTIVES AND BENEFITS

2.1 Principles and Objectives

2.1.1 In line with current national and local government guidance, the main objectives for the Framework Travel Plan are:

- To reduce the number of car journeys generated by the site; and
- To promote the accessibility of the site for non-car modes of transport.

2.1.2 The travel plan will have the following additional objectives:

- i) To provide employees with realistic options for travel to and from the site by supporting a range of sustainable transport alternatives;
- ii) To promote walking, cycling, car sharing and public transport as safe, efficient and affordable alternatives to the private car by highlighting the health and environmental benefits of using sustainable travel modes;
- iii) To minimise the impact of car based travel to the site on the local and strategic highway network and environment; and
- iv) To develop an awareness of the options for sustainable travel opportunities to Greenham Business Park.

2.2 Benefits

2.2.1 The development of a travel plan has a number of direct benefits, not only for future employees and visitors, but also for the existing local community and environment.

Benefits to Employees

- Improved health and fitness through increased levels of walking and cycling;
- Reduced cost of travel to work for staff;
- Reduced congestion and improved travel times;
- Increased travel flexibility offered through wider travel choices; and
- A better environment within the site and its immediate environs with vehicular movement minimised and parking pressures reduced.

Benefits to Local Community and Environment

- 2.2.2 The Sustainable Transport Strategy for the proposed development will provide significant benefit to existing local community through the encouragement of using sustainable modes.
- 2.2.3 Along with the benefits to the local community, there are environmental benefits that can be delivered by the travel plan including:
- Minimise the impact of the proposed development on neighbours and the wider local community in terms of congestion, noise and atmospheric pollution; and
 - Reduction of staff car journeys will reduce CO₂ and local noise pollution. This will contribute to both local air quality management and national climate change reduction targets.
- 2.2.4 Overall, it is anticipated that the FTP, combined with the package of infrastructure measures designed to promote sustainable transport, will result in benefits for future employees and visitors and the wider community in the vicinity of the development.

SECTION 3 DEVELOPMENT PROPOSAL

3.1.1 This Travel Plan supports the preparation of a Local Development Order (LDO) to give greater flexibility over how Greenham Business Park can be developed in the future. The LDO will allow specified land uses to be constructed without the need for planning permission subject to compliance with prescribed parameters and planning conditions, and up to a maximum of 152,000sqm, consistent with the previously permitted development on the site.

3.1.2 It is anticipated that the LDO will cover primary uses and secondary or complementary uses to support the vitality and sustainability of the business park. The list below provides a summary of the potential uses to be covered by the LDO (**Appendix A**):

- Primary uses:
 - B1a Office;
 - B1b Research and Development;
 - B1c Light Industry;
 - B2 General Industry;
 - B8 Storage and Distribution; and
 - Sui Generis – Data Centre only.

- Secondary/Complementary Uses:
 - A1 Shops (with maximum unit floorspaces and cap on total floorspace);
 - A3 Food and Drink (with maximum unit floorspaces and cap on total floorspace);
 - D1 Non-Residential Institutions;
 - D2 Assembly and Leisure; and
 - Sui Generis – Car Showroom.

3.1.3 The LDO determines a range of parameters (limitations) within which the uses will be permitted. **Table 3.1** provides three development scenarios which would be permitted within the parameters and which show the range of land uses permissible.

Table 3.1: Development Scenarios

Use	High (sqm)	Medium (sqm)	Low (sqm)
A1 – Retail	759.38	-	-
A3 – Restaurant	303.75	-	-
A5 – Takeaway	-	-	-
B1a – Offices	22,781.46	10,631.35	7,593.82
B1b – Research and Development	7,593.82	7,593.82	7,593.82
B1c – Light Industrial	12,150.11	6,075.06	22,781.46
B2 – General Industrial Estate	37,969.11	51,637.99	22,781.46
B8 – Commercial	45,562.93	59,231.81	75,938.22
D1 – Non-Residential	1,974.39	-	-
D2 – Assembly and Leisure	-	3,037.53	-
Car Showroom	13,668.88	4,556.29	-
Data Centre	9,112.59	7,593.82	15,187.64
Sui Generis	-	1,518.76	-
Other	-	-	-
Total	151,876.43	151,876.43	151,876.43

Source: Consultants Calculations

Vehicular Access

- 3.1.4 Vehicular access to the site will be achieved via the existing accesses from the A339 Main Street roundabout to the east and the A339 / Albury Way roundabout to the west. Both of these junctions are normal roundabouts and are observed well.

Pedestrian and Cycle Access

- 3.1.5 The development, provided as part of the LDO, will connect with the existing pedestrian network located along the A339 to the south of the site, to connect to the existing footway that fronts the A339, and will connect to the Greenham Common Cycle Route to the north of the site, in the common itself, which links to Greenham and onwards to both Newbury and Thatcham.

SECTION 4 EXISTING CONDITIONS AND TRAVEL PATTERNS

4.1.1 This section of the Travel Plan describes the existing accessibility of the site by walking, cycling and public transport.

4.2 Site Location

4.2.1 Greenham Business Park is located to the south-east of Newbury and Greenham, directly north of the A339 which connects Basingstoke and Newbury, as shown in **Figure T1**. The A339 runs to the south and Greenham Common to the north.

4.3 Walking and Cycling

4.3.1 The site is well served by existing pedestrian facilities which run along the north side of the A339, with the provision of a footway of circa 1.5m wide connecting Newbury in the west to Bishops Green to the east.

4.3.2 The footway provides access to the existing bus stops located along the A339. Dropped kerb crossings with tactile paving and centre refuge island are provided across all arms of the A339 / Albury Way / Ecchinswell Road roundabout except Ecchinswell Road. At the A339 / Main Street roundabout, dropped kerbs with tactile paving is provided across the Main Street arm whilst dropped kerbs with tactile paving and centre refuge island is provided across the A339 (eastern arm). Both accesses therefore offer safe crossing facilities to connect either side of the A339.

4.3.3 Within Greenham Business Park there is a comprehensive network of footways along Main Street, Albury Way and Communications Road, each approximately 1.5m wide, street lit and continuous on at least one side of the carriageway. Pedestrian movement within the business park is therefore well provided for.

Cycling

4.3.4 Greenham Common Cycleway is a designated off-road walking and cycling route which routes through and around the common to the north of the park, connecting the park to Greenham village and wider south Newbury via Burys Bank Road and Pinchington Lane, and towards Thatcham.

4.3.5 The internal road network within Greenham Business Park are all subject to a signed 30mph speed limit and generally carry low traffic flows, therefore providing a low speed traffic environment for safe on-road cycling.

4.4 Public Transport

Bus

4.4.1 A series of bus stops are located within the site on Communications Road and Main Street, with additional stops provided on the A339 to the south of the site.

4.4.2 Bus Service 103 enters the site and serves the internal bus route network whilst the Link Service operates from the A339. Full details of local bus services are provided in **Table 4.1** and the locations of the bus stops are illustrated in **Figure T2**.

Table 4.1: Local Bus Services

Service No.	Route	Mon-Fri	Sat
103	Newbury – Greenham Common	Four services per day. First bus from Newbury at 15:35, first bus to Newbury at 09:10.	-
103B	Newbury – Greenham Common	Five services per day. First bus from Newbury at 10:35, last bus to Newbury at 14:10.	-
LINK	Basingstoke – Newbury	Hourly service. First bus from Basingstoke at 06:28, first bus from Newbury at 07:20. Last bus to Basingstoke at 18:53, last bus to Newbury at 18:19.	Hourly service. First bus from Basingstoke at 07:40, first bus from Newbury at 07:43. Last bus to Basingstoke at 18:53, last bus to Newbury at 18:16.

Source: Traveline

Rail

4.4.3 Newbury rail station is located 3.5km to the north-west of the site, with Thatcham Rail Station some 3km north east of the site.

4.4.4 Both stations are within comfortable cycle distance of the site and benefit from safe cycle connections through the common. Newbury station is accessible by the Bus Service 103 and LINK bus services which operate from the business park. **Table 4.2** summarises the services from Newbury station.

Table 4.2: Rail Services

Rail Station	Origin	Frequency		Average Journey Duration
		Peak	Off-Peak	
Newbury	Thatcham	2-3 services per hour	1-3 services per hour	7 mins
	Reading	3 services per hour	2-3 services per hour	25 mins
	Hungerford	2 services per hour	Hourly service	10 mins
	London Paddington	1-2 services per hour	Hourly service	54 mins

Source: National Rail

4.5 Existing Travel Characteristics

4.5.1 Census (2011) travel to work data has been obtained for West Berkshire 019 MSOA to establish an understanding of how existing employment traffic is distributed onto the local highway network. A summary of the traffic distribution is provided in **Table 4.3**.

Table 4.3: Summary of Traffic Distribution

Destination	Percentage of Trips
Newbury	25.42%
Thatcham	16.82%
Basingstoke	5.55%
Reading	3.74%
Hungerford	3.42%
Burghclere	3.36%
Hermitage	3.27%
Tadley	3.04%
Wokingham	2.61%
Swindon	2.44%
Kingsclere	2.26%
Didcot	2.07%
Andover	1.98%
Marlborough	1.78%
Calcot	1.59%
Theale	0.97%
London	0.79%
Other	18.89%
Total	100.00%

Source: Census 2011 / Consultant's Journey to Work Model

4.5.2 The analysis demonstrates that Newbury is the main origin for employees, accounting for some 25% of car trips to the site, followed by Thatcham at circa 17%, with other local settlements of Tadley, Burghclere, Kingsclere and Hermitage accounting for around with 3%. Overall, more than 50% of existing employees live within 10km of the site. This offers good potential for the promotion of sustainable travel.

4.5.3 **Table 4.4** identifies the modal split derived from the Census travel to work data for West Berkshire 019 MSOA. This has been applied to the observed travel demand at the site, recorded by Manual Classified Turning Count surveys carried out in 2017, to estimate total all-mode peak period travel demand from the existing Park.

Table 4.4: Modal Split West Berkshire 019

Mode	Percentage of Trips	AM Peak Hour – Two Way Trips	PM Peak Hour – Two Way Trips
Car Driver	71.7%	587	615
On Foot	11.7%	96	100
Car Passenger	6.2%	51	53
Bicycle	4.1%	34	35
Bus	2.7%	22	23
Train/underground	2.4%	20	21
Other (inc. Taxi and Motorcycle)	1.2%	10	10
Total	100.0%	819	858

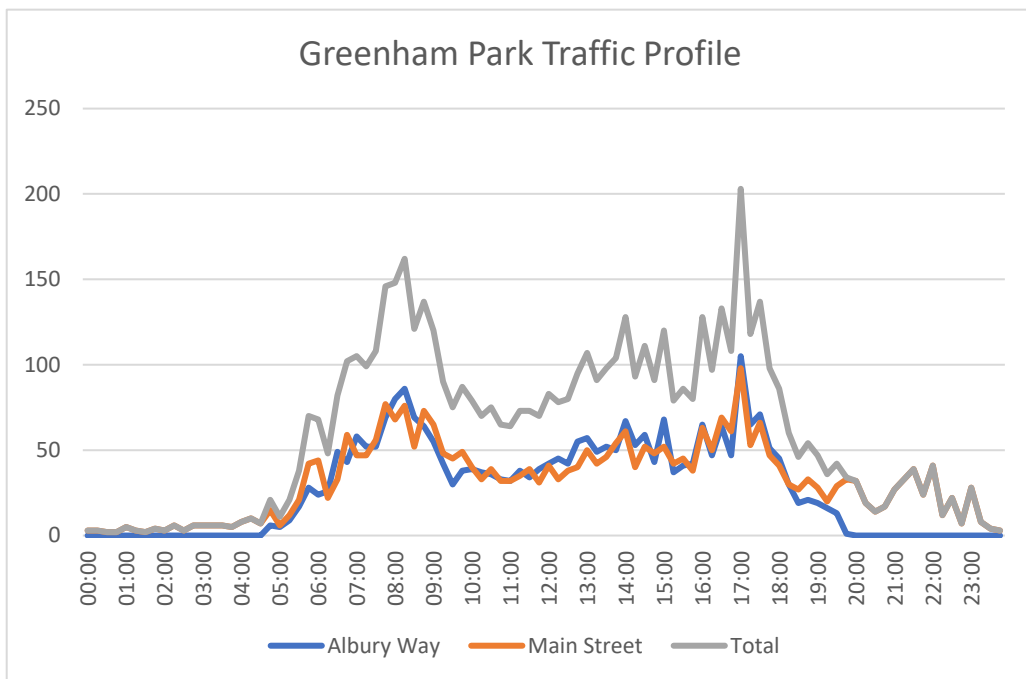
Source: Census 2011

4.5.4 The main mode of travel used is the car which accounts for 78% of all journeys (72% car driver and 6% car passenger) and equating to around 600 vehicle trips in each peak hour. Journeys by foot and cycle account for around 16% (around 90 peak period trips) and travelling by bus accounts for 3% (around 35 peak trips, with train travel accounting for 2% (around 20 trips).

4.5.5 To consider traffic movements across the day at the park, one-week long Automatic Traffic Count Surveys were carried out on the two accesses to the park, on Main Street and Albury Way. The profile is provided at **Image 4.1** and demonstrates that:

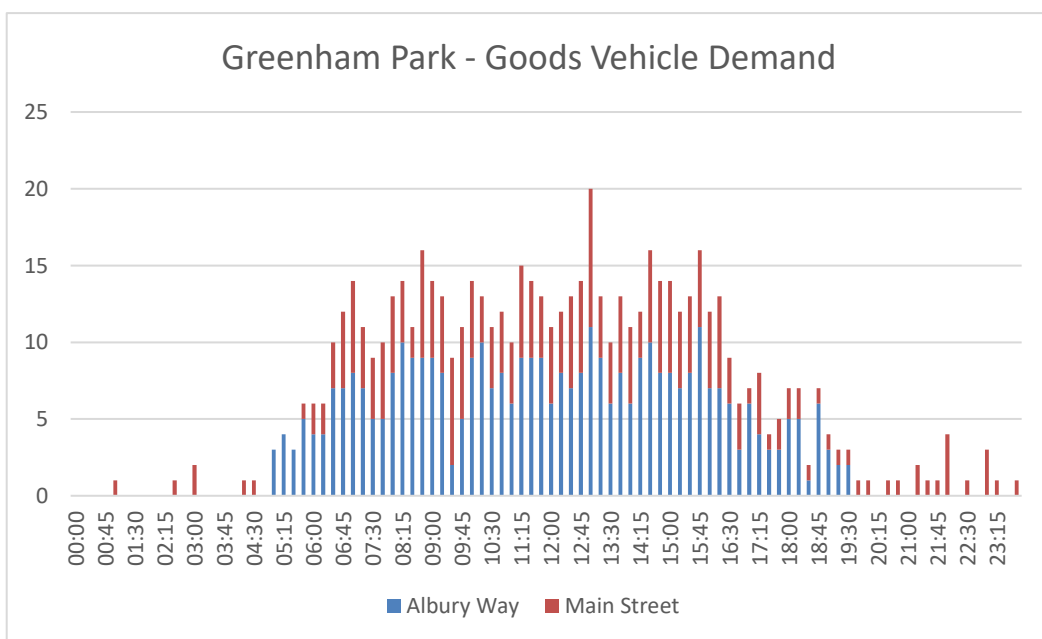
4.5.6 The existing site generates a total of 5,800 vehicle movements across the day, of with traffic concentrated in the morning and evening peak hours, which equates to 10% of daily travel demand each. Traffic demand is broadly split between Albury Way (46%) and Main Street (54%).

Image 4.1: Greenham Park Traffic Profile



4.5.7 In terms of goods vehicle traffic demands, the ATC surveys also classified traffic movements entering the park. In total, on an average day, 632 goods vehicles movements occur at the park (316 in and 316 out). 60% of these goods vehicle movements utilise Albury Way, 40% Main Street. **Image 4.2** demonstrates the goods vehicle traffic profile. Goods vehicle movements are well spread through the day.

Image 4.2: Greenham Park Traffic Profile – Goods Vehicles



SECTION 5 TARGETS

5.1 Overview

5.1.1 The key objectives of the FTP are to reduce single occupancy car use for travel to the site, whilst encouraging the use of more sustainable modes of travel. Setting a target is a useful tool to enable the progress of the Travel Plan to be monitored.

5.2 Targets

5.2.1 Travel patterns within Newbury are dominated by car use, however there is a realistic opportunity for future employees and visitors to the site to travel using sustainable modes as there are regular bus services between the site, Newbury and Basingstoke and employees generally live close to the site.

5.2.2 The key aim of the Travel Plan is to manage single car occupancy use for all staff and visitors who travel to the site. The following target is proposed for staff and visitor travel to the site over a five-year period from first occupation of the development:

- To reduce peak period car use amongst staff and visitors for travel to the site by 10% by the end of the five-year monitoring period.

5.2.3 This target follows the SMART principle (specific, measurable, adjustable, realistic, time-based) and focuses on reducing the traffic generation of the site as a whole and encouraging employees to travel by more sustainable modes.

5.2.4 The aim is to achieve this target by the end of a five-year travel plan implementation period. Interim mode split targets have been established and will be subject to ongoing review during the course of the travel plan.

5.3 Baseline Position and Interim Targets

5.3.1 For the purpose of the FTP, the baseline modal split is based on the 2011 Census Travel to Work dataset for West Berkshire 019 and the mode share targets are summarised in the following tables. Baseline peak period traffic demands are derived from the High, Medium and Low LDO scenarios identified in the Transport Assessment.

Table 5.1: Total Travel to Site – Interim Modal Split Targets

Mode		Percentage of Trips	Year 1 Target	Year 3 Target	Year 5 Target
Car Driver		71.7%	71.7%	68.1%	64.5%
On Foot		11.7%	11.7%	12.4%	13.2%
Car Passenger		6.2%	6.2%	6.9%	7.7%
Bicycle		4.1%	4.1%	4.9%	5.5%
Bus		2.7%	2.7%	3.4%	4.1%
Train/underground		2.4%	2.4%	3.1%	3.8%
Other (inc. Taxi and PTW)		1.2%	1.2%	1.2%	1.2%
Total		100.0%	100.0%	100.0%	100.0%
Peak Hour Vehicle Targets					
High	AM	980	980	931	882
	PM	808	808	767	727
Medium	AM	737	737	700	663
	PM	601	601	571	541
Low	AM	573	573	544	515
	PM	453	453	430	408

Source: Census 2011, Consultant's Calculations

5.3.2 Once the first monitoring surveys at the development have been undertaken and analysed (See section 8 of the Framework Travel Plan) the baseline position targets will be reviewed and agreed with WBC.

5.3.3 **Table 5.1** shows that by meeting the Travel Plan targets, a reduction of 10% in car journeys will be achieved. It should be noted that the TA has not considered the benefits of the Travel Plan and makes no reduction in traffic generation assessments as a result of the benefits that can be delivered through the FTP. Therefore, any reductions in the number of vehicle movements on the network would further help reduce congestion and journey times.

5.3.4 In addition to mode share targets, it is important to identify a number of action targets to ensure that the commitments made by the business park through this FTP are delivered. The action targets are as follows:

- Nominate a Travel Plan Co-ordinator to be responsible for the Travel Plan promotion, prior to occupation on the site;
- Undertake first phase of monitoring following the first year of FTP delivery;
- Following the first phase of monitoring, review measures and targets to ensure that they remain appropriate. This will be repeated following the monitoring periods in years 3 and 5.

5.3.5 Once agreed with WBC, update FTP with any necessary revisions to measures.

SECTION 6 INFRASTRUCTURE PROVISION AND MEASURES

6.1.1 This section of the FTP describes the infrastructure and non-infrastructure measures that will be developed and promoted at Greenham Business Park. It covers:

- Measures to encourage employees to walk and cycle;
- Measures to encourage employees and visitors the use of public transport;
- Measure to encourage employees to car-share; and
- Information provision.

6.2 Objectives

6.2.1 The main objectives of the Sustainable Transport Strategy for the site are to:

- Reduce unnecessary single car occupancy use as a means to travel to and from Greenham Business Park; and
- To establish walking, cycling, the use of public transport and car sharing as realistic alternative to single occupancy car use for the journey to work.

6.3 Measures to Promote Walking and Cycling

6.3.1 Walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly up to 1 mile. The Transport Assessment identifies 1.6km as a 'reasonable' walking distance while 3.2km is a 'maximum' walking distance for day to day journeys. Greenham, Headley, Newtown and south Newbury are all within maximum walking distance of the park, making walking a realistic option for some employees.

6.3.2 The Transport Assessment identifies 5km as a 'reasonable' cycle distance and 8km as a 'maximum' cycle distance. The majority of Newbury, Burghclere and Thatcham are located within a reasonable cycling distance. The site will connect with the Greenham Common Cycle Route, to the north of the site, providing a safe and realistic off-road cycle route to Greenham Business Park.

6.3.3 Wide footways are and will continue to be provided through the business park and will connect with the existing footway network along the A339 via the existing site accesses. Within Greenham Common there is already a network of walking and cycling routes that link to Newbury, Greenham and Thatcham.

- 6.3.4 There is an existing footway along the A339 which links the site towards Newbury. For parts of the route, the footway is overgrown and covered with soil from the adjacent verge and has not been well maintained. Through the FTP, the Travel Plan Coordinator (TPC) will liaise with WBC to improve the condition of the existing footway and ensure regular maintenance.
- 6.3.5 Information on the walking and cycling routes and facilities within the business park and wider areas will be made available to employees via information packs provided to each organisation within the business park and will also be displayed on both the Business Park Website and around the park on noticeboards. These will include maps of local walking and cycling routes and information on available incentives and will promote the health benefits of walking and cycling.
- 6.3.6 A bicycle user group (BUG) will also be established. This will enable cyclists to share information on routes, safety, cycle maintenance etc. It will also enable less experienced cyclists to contact established cyclists and therefore to obtain information, guidance and potentially a 'cycling buddy' to accompany them on cycle journeys. The TPC will assist with the dissemination of information regarding the user group and will help employees get in contact with one another.
- 6.3.7 The TPC will also promote 'Bikeability' cycle training courses to employees and will attempt to organise group training sessions if enough employees are interested and will also promote cycle maintenance services such as 'Bike Doctor' and negotiate discounts for employees from these services.
- 6.3.8 Individual Occupiers will be encouraged to promote Salary Sacrifice Schemes which offer interest free loans to help buy a bicycle or cycling equipment for cycling to work and the loan will be repaid through each employee's monthly salary.
- 6.3.9 All major occupiers within the Business Park will be required to provide showers, changing facilities and lockers to enable cycle travel to work.
- 6.3.10 Secure, covered and well-lit cycle parking facilities will be provided within each unit at the park, and in communal areas to provide safe and secure facilities for the parking of bicycles. Facilities for any new unit will be delivered in line with the current cycle parking standards for West Berkshire.

6.4 Measures to Promote Public Transport

- 6.4.1 As outlined in Section 4, the site is served by regular bus services (Service 103 and LINK) to Newbury and Basingstoke. Bus stops are provided in the site for service 103, whereas bus stops on the A339 serve the LINK. The business park will connect with the existing pedestrian network along the A339 which will allow future employees to access the regular bus services.
- 6.4.2 To encourage future employees to utilise the existing regular bus services, the TPC will provide information to all organisations within the business park through travel packs which will include information on public transport routes and timetables to and from the site.
- 6.4.3 A series of bus stop improvements within the Business Park will be provided, and development phases come on stream. This will include facilities to ensure services are accessible to all, and measures to improved waiting facilities.
- 6.4.4 The TPC will liaise with local bus operators to negotiate any bus fare discounts and incentives for employees of the business park to encourage a reduction in vehicle journeys.
- 6.4.5 Bus services 103,103B and LINK all serve Newbury Rail Station, which is also within an acceptable cycle distance of the site. The available train services provide a realistic alternative to car use for trips to a range of destinations further afield. Opportunities to travel by rail will be promoted to employees and visitors.

6.5 Car Sharing Scheme

- 6.5.1 Car sharing will be promoted amongst employees of the business park. Not only does car sharing cut the costs of travel to work for the individual, but it reduces the number of employees making similar journeys at the same time, thereby reducing peak hour congestion on routes to the business park. This in turn helps reduce vehicle emissions, contributing to meeting local air quality targets. Employees will therefore be provided with information about car sharing via the car share website (<https://liftshare.com/uk/journeys/from/west-berkshire-uk>) and other social media based sites, along with a leaflet explaining the benefits of the car share scheme and how to register will be included in the travel packs. This provides an easy and safe way for potential car sharers to identify people undertaking similar journeys.

6.5.2 One of the key barriers to the uptake of car sharing is the impact of being let down by the other lift sharer, through illness or unreliability. To minimise the impact of this, occupiers will be encouraged to provide a Guaranteed Ride Home service in the event a car sharer is let down, whereby an alternative car share is found, or a taxi journey provided if no suitable car sharer is identified.

6.6 Information Provision

6.6.1 All organisations on the park will be provided with travel information packs when they first occupy the business park (and existing organisations will be provided a pack at the start of the FTP implementation) which they can then pass onto their employees. The travel information pack will pull together information on the FTP measures and contain information about the objectives of the Travel Plan, non-car mode travel options and provide a range of incentives to encourage use of non-car modes of transport. The following items will be included in the travel information pack:

- An information leaflet about the Travel Plan, its aims and objectives, how to get involved and how travel will be monitored and reported;
- Information about the website and locations of the business park notice boards which provide local travel information;
- Details of any cycle purchase schemes, cycle maintenance organisations;
- Bus and rail maps and timetable information;
- Information about car sharing through the liftshare website: (<https://liftshare.com/uk/journeys/from/west-berkshire-uk>) and other social media based websites; and
- Information on discounted or incentivised bus travel tickets.

6.6.2 To ensure access to up to date information for employees, a number of notice boards will be located around the business park. These boards will contain up to date bus and rail timetable information, and information on car sharing. The boards will also provide walking and cycling maps.

6.6.3 In addition, the existing Greenham Park website will be developed and maintained by the TPC to inform employees and visitors of travel choices and incentive measures.

6.7 Measures to Promote Smart Working

6.7.1 In addition to measures to influence travel mode share, major occupiers across the park will be encouraged to reduce the need to travel through the promotion of a series of smarter working practices including:

- Home Working;
- Flexible Working;
- Teleworking; and
- Staggered working hours.

6.7.2 Occupiers will be required to investigate these opportunities and research any government incentive schemes and regulations to understand whether these may be applicable measures, depending on the nature of the business.

6.8 Summary

6.8.1 A comprehensive package of measures is proposed to promote the use of walking, cycling and public transport amongst new employees and visitors for journeys to and from the business parking and to make more efficient use of the private car through the development of schemes such as car sharing. The proposed measures aim to ensure that the objectives of this FTP are met and to minimise single occupancy peak period car travel.

6.8.2 **Table 7.1** provides an Action Plan for implementation of these measures which will be delivered through the Travel Plan Coordinator.

SECTION 7 MANAGEMENT

7.1.1 This section of the FTP describes the framework through which the measures contained herein will be implemented and managed.

7.2 FTP Management

7.2.1 The business park will appoint an individual or company to act as the Travel Plan Co-ordinator (TPC) for the site. Contact details will be supplied to WBC at the start of the travel plan period.

7.3 Role of Travel Plan Co-ordinator

7.3.1 The role of the Travel Plan Co-ordinator will be as follows:

- To maintain the FTP in an up to date format, and to update the document after each monitoring period in consultation with WBC;
- To manage the day to day delivery of the measures contained in Sections 6 of the FTP;
- To oversee travel planning across the park and to coordinate with each occupier, any other TPCs for individual commercial units;
- To market the Travel Plan to encourage interest and involvement of employees;
- To maintain a good level of knowledge of sustainable travel opportunities in the vicinity of the site, so as to provide the most up to date travel information;
- To liaise with both public transport operators and local authorities on appropriate measures such as negotiating incentivised bus tickets or obtaining information on any local Travel Plan measures and networks;
- To organise annual monitoring of the Travel Plan in line with the strategy outlined in Section 8 of the FTP; and
- To provide monitoring feedback to employees and the steering group and to liaise with the local authority as necessary.

7.4 Involvement of Employees

7.4.1 Involvement of employees will be key to the success of the FTP. Each organisation on the business park will be provided with Travel Plan information by the TPC along with a travel information pack which can be provided to their staff.

7.4.2 The TPC will liaise regularly with occupiers and employees of the site, to understand their particular needs and concerns and to examine ways of addressing them. Copies of the Travel Plan will be made widely available to all users of the site, to ensure high levels of awareness of the objectives of the Plan and the range of measures proposed.

7.4.3 The TPC will also aim to maintain interest amongst employees through:

- Occasional leaflet drops providing information about the Travel Plan, advertising the website and reporting the results of the annual monitoring;
- Reviewing and developing other methods for involving employees.

7.5 Framework for Implementation

7.5.1 The TPC will be appointed at the start of the LDO process and will be retained for the full period of the Travel Plan (taken as 5 years).

7.5.2 **Table 7.1** provides an Action Plan for implementation of the measures set out in section 6 of this FTP.

Table 7.1: Action Plan for Implementation

Measure		Timescale	Responsibility
Travel Plan Co-ordinator		Appointed at the start of the LDO and retained through the FTP	Greenham Trust
Information Development and Provision	Production of travel information packs	On occupation of any new unit for new occupiers. Existing occupiers will be provided with a pack on commencement of the FTP	TPC
	Business Park Notice Boards	To be phased in line with development.	Greenham Trust / TPC
	Website	To be phased in line with development.	TPC
Promote car share schemes through liftshare.com		Within travel information pack and on website / notice boards.	TPC
Implementation of a 'Guaranteed Ride Home' service		Ongoing	Occupiers
Promote flexible working practices, including home working, teleworking and staggered working hours		Ongoing	Occupiers
Walking and cycling maps		Within travel information pack and on website /notice boards.	TPC
Provision of changing facilities, showers and lockers		To be phased in line with development.	Occupiers
Promote salary sacrifice cycle purchase scheme and local cycle shop discounts		Ongoing	Occupiers
Develop bicycle user group (BUG)		Within 6 months of FTP start	TPC
Promote Cycle maintenance groups and negotiate discounts with providers		Ongoing	TPC
Provide secure, well-lit covered cycle parking facilities		To be phased in line with development.	Occupiers
Include good quality walking and cycling connections within the site		To be phased in line with development.	Greenham Trust / Occupiers
Liaise with WBC to ensure the A339 footway is cleared of overgrowth and is maintained		A start of LDO and ongoing	TPC
Promote health benefits with walking and cycling		On-going	TPC
Public Transport Information		On-going	TPC
Improved on-site bus stop facilities		To be phased in line with development.	Greenham Trust
Liaise with bus operators to negotiate discounted or incentivised fares for local bus journeys		Ongoing	TPC

7.6 Funding

7.6.1 The business park will fund the following items:

- The infrastructure and non-infrastructure measures outlined within the FTP;
- The TPC for five years following first occupation; and
- The monitoring surveys outlined in Section 8.

7.6.2 The aim will be to take steps to enable the Travel Plan to become self-funding by the time the FTP period is complete so that it can carry on its implementation thereafter. The TPC will be responsible for delivering this objective. Potential means of funding the Travel Plan include:

- Sale of advertising space on bus shelters, for example through national companies such as Adshel; and
- Management charges.

7.7 Delivery and Enforcement

7.7.1 The implementation of the Framework Travel Plan will be secured by condition on the LDO. This will provide an enforcement mechanism for the Local Planning Authority and Local Highway Authority to ensure the successful delivery of the agreed measures and actions in the Travel Plan.

SECTION 8 MONITORING

8.1.1 The monitoring programme for the FTP will be during the first five years of the delivery of the LDO at the business park. Monitoring will be undertaken in two ways:

- Traffic Surveys; and
- The issue of a travel questionnaire.

Traffic Surveys

8.1.2 It is proposed that monitoring will be undertaken in the form of traffic surveys undertaken at two-year intervals. Automated Traffic Counts (ATC) will be undertaken at the site accesses onto the A339. The traffic surveys will supply the TPC and WBC with observed statistical data showing how travel to the business park is changing and will enable the success of the FTP in meeting its targets to be monitored.

8.1.3 The first Traffic survey will be carried out on the first anniversary after the LDO is in place. This will ensure that the survey captures information about an established critical mass of employees and visitors, and will allow some time for the measures contained within the Travel Plan to take effect. Subsequent surveys will be undertaken at two-year intervals, at years 3 and 5.

Travel Questionnaires

8.1.4 Questionnaire surveys will also be used to determine the effectiveness of the Travel Plan measures, and enable organisations within the business park to remain involved in the Travel Plan process. The first questionnaire survey will be undertaken on the anniversary of the LDO coming into force, and then annually thereafter for 5 years.

8.1.5 The surveys will determine a number of important statistics such as origin of work related trips, modal split of work journeys and preferences towards the availability and use of more sustainable modes of transport. A draft travel survey is provided as **Appendix C**. These surveys will be used to determine travel patterns to and from the site, to assist with setting objectives for the Travel Plan which may be implemented in the future and to monitor travel patterns at the site over set periods of time.

8.1.6 The results of the surveys and the analysis will be included in an updated Travel Plan, or the first monitoring reports, with the Travel Plan targets revised or updated accordingly, in consultation with WBC.

Use of Surveys

8.1.7 The results of these surveys and statistical analysis undertaken will form the basis of discussions with the local planning and highway authorities to examine how the Travel Plan is continuing to influence travel behaviour and to discuss alternative measures that could be incorporated within the plan to achieve further success.

8.1.8 The TPC will monitor and review the progress and success of the Travel Plan and make all users aware of the progress made and the effectiveness of the sustainable travel solutions. The review will involve the local planning authority as well as the TPC. The use of newsletters distributed to all users will assist in informing users of any new measures and give them an understanding of how the Travel Plan is operating.

8.2 Reporting

8.2.1 In years 1, 3 and 5 after first occupation of the business park, a monitoring report will be submitted to WBC setting out the results of the travel surveys against the targets and objectives identified within the Travel Plan. Employees will also be informed of the survey results via the website and park notice boards. The following information is likely to be provided:

- Recap of the site Travel Plan's objective and agreed targets;
- Monitoring methodology;
- Summary of monitoring results, presented in relation to agreed targets;
- Progress against agreed measures;
- Corrective measures to get the plan back on track, if targets are not being met; and
- Proposals to further develop the Travel Plan for the future.

8.3 Remedial Measures

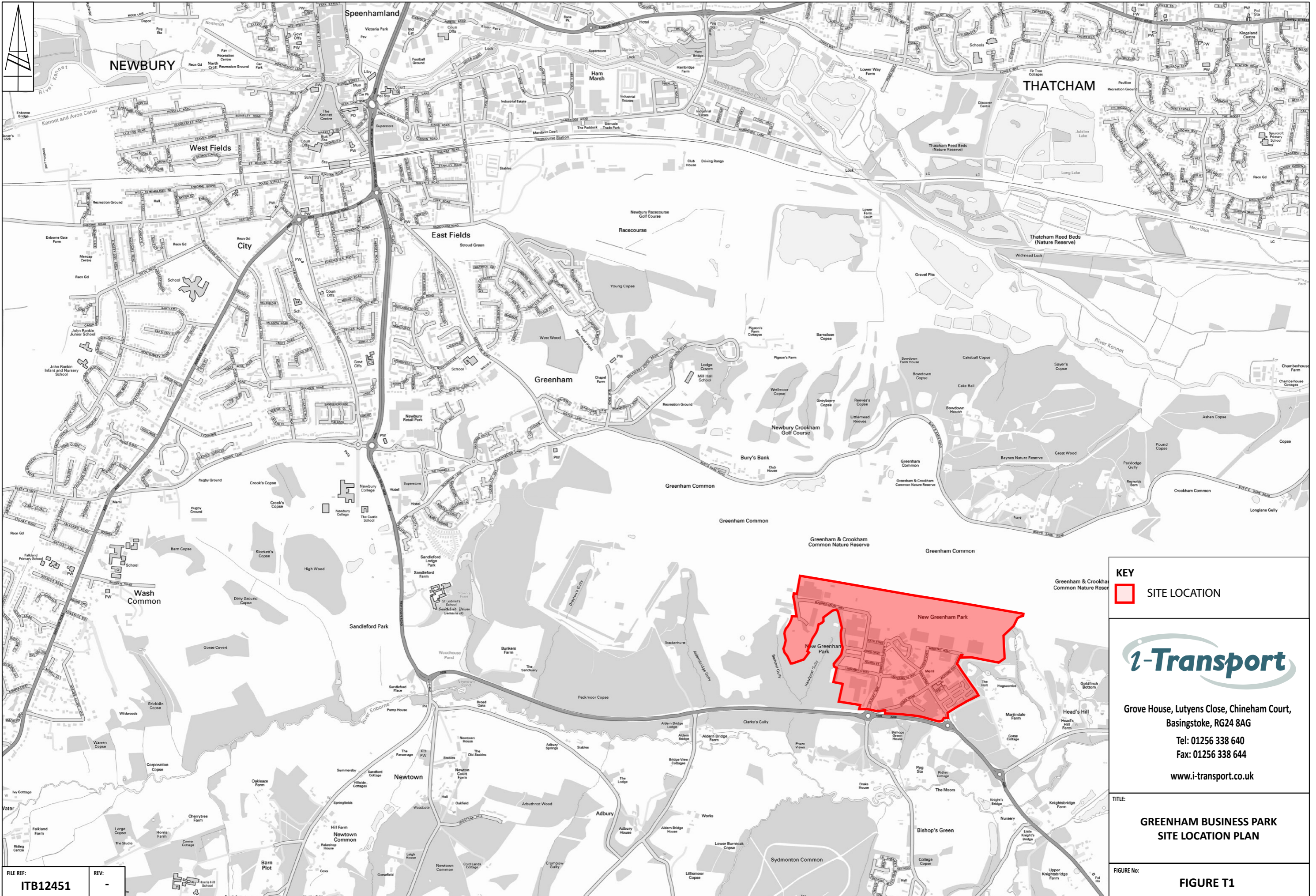
8.3.1 Should the Travel Plan targets not be met by the end of the monitoring period outlined above, the business park will use reasonable endeavours to work with WBC to identify a strategy and to agree further reasonable actions to get the Travel Plan back on track.

8.3.2 The proposed sustainable transport strategy and all of the associated measures will provide a genuine opportunity for the 10% reduction in traffic flows associated with the development to be achieved.

SECTION 9 SUMMARY

- 9.1.1 This Framework Travel Plan (FTP) is submitted in support of the preparation of a Local Development Order (LDO) in partnership with West Berkshire Council to develop land at Greenham Business Park, Newbury.
- 9.1.2 The FTP provides the overarching strategy for the delivery of sustainable travel to the site and will coordinate each occupier on the site. Where individual travel plans are required for larger units, these will follow the framework outlined in the FTP.
- 9.1.3 The FTP aims to promote sustainable travel behaviours for future employees and visitors travelling to and from the site, through reducing the need for travel by private car, and in particular reducing peak period car journeys; providing non-car mode travel options for local journeys; and influencing modal choice. The target of the FTP is to reduce peak period car use amongst staff and visitors to the site by 10% from the Baseline position (depending on the LDO scenario applied) within 5 years.
- 9.1.4 A comprehensive package of measures is proposed, In line with current guidance. Sustainable transport measures will be incorporated as an integral part of the site development and design guide. Car and cycle parking is proposed in line with local standards and walking and cycling connections will be delivered to the A339 (via the existing site accesses) and to Greenham Common to the north of the site. The pedestrian connections to the A339 will also provide a link to the existing public transport infrastructure, and on-site infrastructure will be improved.
- 9.1.5 The FTP identifies a range of non-infrastructure measures aimed at influencing modal choice for travel to the site, including:
- Measures to promote walking and cycling, including provision of plans showing walking and cycling routes and a bicycle user group;
 - Travel information pack including up to date travel information by other means, including a travel website and notice boards.
- 9.1.6 A framework for the management and implementation of the Travel Plan is proposed. A Travel Plan Co-ordinator will be appointed by the business park until five years after the LDO has come into force. Annual monitoring reports over the period of the Travel Plan will be submitted to WBC setting out the results of the travel surveys against the targets and objectives identified within the Travel Plan.

FIGURES



KEY
 SITE LOCATION



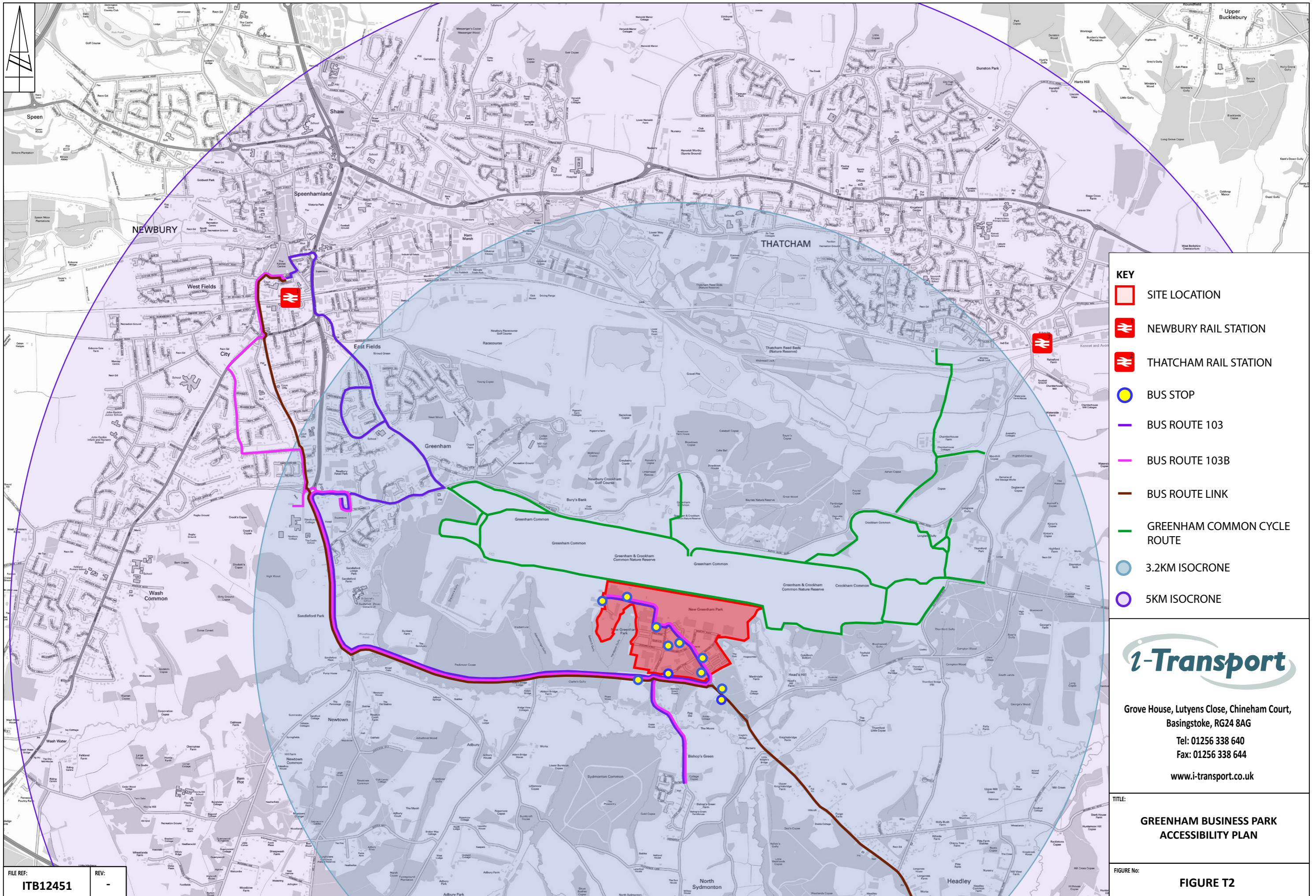
Grove House, Lutyens Close, Chineham Court,
 Basingstoke, RG24 8AG
 Tel: 01256 338 640
 Fax: 01256 338 644
 www.i-transport.co.uk











TITLE:
**GREENHAM BUSINESS PARK
 SITE LOCATION PLAN**

FIGURE No:
FIGURE T1

FILE REF:
ITB12451

REV:
 -



- KEY**
-  SITE LOCATION
 -  NEWBURY RAIL STATION
 -  THATCHAM RAIL STATION
 -  BUS STOP
 -  BUS ROUTE 103
 -  BUS ROUTE 103B
 -  BUS ROUTE LINK
 -  GREENHAM COMMON CYCLE ROUTE
 -  3.2KM ISOCRONE
 -  5KM ISOCRONE



Grove House, Lutyens Close, Chineham Court,
 Basingstoke, RG24 8AG
 Tel: 01256 338 640 Fax: 01256 338 644
 www.i-transport.co.uk

TITLE:
**GREENHAM BUSINESS PARK
 ACCESSIBILITY PLAN**

FIGURE No:
FIGURE T2

FILE REF:
ITB12451

REV:
 -

APPENDIX A LDO PARAMETERS

Greenham Business Park
Local Development Order
(Draft for public consultation)

West Berkshire Council
In partnership with the Greenham Trust
August 2018

Contents

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 - 3.7 Planning conditions and informatives
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- 4. Other matters relating to the operation of the LDO**
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 - 4.3 Revocation
 - 4.4 General Permitted Development Order
 - 4.5 Compliance with other legislation
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Appendices

- A. LDO Plans
- B. Planning conditions
- C. Design guidance
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- E. Travel Plan
- F. Baseline floorspace 2017.

1. Introduction

1.1 The Greenham Business Park Local Development Order (the LDO) has been prepared by West Berkshire Council (the Local Planning Authority) in partnership with the majority landowner, the Greenham Trust (formerly the Greenham Common Trust).

1.2 Local development orders (LDOs) are intended to tailor planning controls to local circumstances. The National Planning Policy Framework (2018) states that:

“Local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area”¹.

1.3 This document comprises the following:

- A Statement of Reasons
- The Local Development Order
- Planning conditions
- Design guidance
- A pre-development notification procedure
- Travel Plan.

1.4 In addition, the studies and documentation that have informed the draft LDO can be found at [LINK to WBC website]. These comprise the following documents:

- Land contamination Phase 1 Desk Study
- Ecology Phase 1 and 2 assessments
- Flood Risk Assessment
- Heritage statement
- Landscape and visual appraisal
- Lighting assessment
- Transport assessment.

1.5 Located south-east of Newbury and accessed from the A339, the business park has been established on the ‘technical area’² of the former Greenham Common Airbase. Formerly occupied by the United States of America Air Force (USAAF), the airbase was returned to the Ministry of Defence (MoD) in 1992. The MoD declared the site to be surplus to requirements in 1993 and it was put up for sale.

1.6 In 1997 the Greenham Common Trust (the Trust) was formed and purchased the airbase in a partnership between the then local authority and local business representatives. The Trust raised the £7m required on commercial terms.

¹ National Planning Policy Framework 2018 (paragraph 51).

² Areas D3 and E identified in the Greenham Common Airbase Planning Brief, Newbury District Council (approved 1994).

- 1.7 The former technical area has since been established as a mixed-use business park, incorporating many of the remaining 'legacy buildings' as well as new development.
- 1.8 Over the years the Trust has used its trading surpluses to donate over £40m of grants to local charities, including churches, schools, and hospitals.

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2. Statement of reasons

- 2.1 All local development orders must be accompanied by a statement of reasons for making the order³.
- 2.2 The Greenham Business Park LDO has been prepared to simplify the planning controls for development within the established business park over a period of 15 years (subject to monitoring and regular review). The LDO area is identified on LDO Plan 1 (the site)⁴.
- 2.3 Redevelopment of the former airbase is supported by adopted policy. Development of the site was originally supported in the West Berkshire District Local Plan 1991 to 2006 (policy ECON6). Policy ECON6, saved in 2007, allows for industrial, distribution and storage space subject to specified criteria.
- 2.4 A planning brief⁵ was adopted in June 1994 to guide the future of the former airbase, including the runway, heath and grassland, and the 'Technical Area' (now the business park). This includes planning objectives to:
- Pursue, with respect to further employment provision, an approach that expands the local employment base by exploring the local specialised employment needs;
 - Retain, reuse or relocate buildings and facilities that are of a standard in terms of design and construction to be worthy of retention;
 - Protect and enhance the nature conservation interest of the site and the surrounding area.
- 2.5 The Planning Brief identifies that the 'Technical Area (Area E)' contained 158,000 sq m of built development with supporting infrastructure. It was noted that some of the buildings were suitable for reuse on a temporary or possibly longer term basis, but that many were not worthy of retention and therefore could be redeveloped. In accordance with the Planning Brief, the Common was returned to public ownership in the late 1990s and the former Technical Area has been the focus for regeneration to support the local economy.
- 2.6 Policy CS9 of the West Berkshire Core Strategy 2012 (Location and type of business development) identifies the site⁶ as a "strategically important" existing employment site where business development will be supported.
- 2.7 An outline planning application, for the redevelopment for commercial use of the site, submitted on behalf of the MoD was approved on 24 March 1997⁷. The description of development was:

³ The Town and Country Planning (Development Management Procedure) (England) Order 2015; Section 38 (1).

⁴ Appendix A

⁵ Greenham Common Airbase Planning Brief, Newbury District Council (approved 1994).

⁶ Identified as "New Greenham Park".

⁷ Application 145585 (approved 24 March 1997).

“Storage and distribution (B8), general industry (B2), light industry (B1) and sport and leisure development (D2) museum and day nursery (D1)”.

- 2.8 The outline consent identified up to 153,925 square metres of floor space.
- 2.9 Application for the renewal of this outline consent was made by Greenham Common Trust and approved in November, 1999⁸. Reserved matters applications were approved in 2003⁹.
- 2.10 The planning permissions were subject to legal agreements. The agreement dated 20 September 2001 consolidated previous agreements and noted that the permission had been part-implemented (and is therefore extant).
- 2.11 Significant developer contributions were made in accordance with the legal agreement to mitigate the impacts of the approved development.
- 2.12 While implementation of the planning permissions has commenced, and many of the legacy buildings have been cleared to facilitate redevelopment, a significant proportion of the permitted floorspace is still outstanding. An estimate of the current baseline of existing floorspace is approximately 64,300 square metres (excluding non-commercial uses). This equates to around the equivalent of only 40% of the approved floorspace.
- 2.13 Some of the existing uses also provide opportunity for rearrangement or change of use to create a more efficient use of the available land.
- 2.14 The objective of the LDO is to help catalyse the continued regeneration of the site to create jobs and support the local economy in line with adopted policy. It also provides a framework for coordinating development to achieve the following inter-related objectives:
- Good place-making;
 - Improving the accessibility and amenity of the park, and
 - Protecting the local environment, including respecting the historic interest and local wildlife.
- 2.15 The LDO is therefore designed to meet the three strands of sustainable development: social, environmental, and economic in accordance with the NPPF (2012).
- 2.16 This LDO has been prepared to simplify the planning controls by addressing the key planning issues but allowing for greater flexibility over the form of development that comes forward. This is intended to enable the business park to meet the evolving market demands of the 21st century and attract inward investment to this strategically important employment area.
- 2.17 The description of development permitted by this Order is:

⁸ Application 155587 (approved 3 November 1999).

⁹ Application 02/02048/RESMAJ

Mixed-use non-residential development, and associated minor operational development, within Use Classes:

- *B1a (Office)*
- *B1b (Research & Development)*
- *B1c (Light industry)*
- *B2 (General industry)*
- *B8 (Storage and distribution)*
- *Sui generis (Data centre)*
- *Sui generis (Motor vehicle sales)*
- *A1 (Shops)*
- *A3 (Restaurant and café)*
- *D1 Non-residential institutions*
- *D2 Assembly and leisure.*

- 2.18 The permitted development is subject to development parameters and conditions set out in the Order.
- 2.19 The LDO area broadly follows the boundary of the business park (identified on LDO Plan 1). However, areas within this boundary which are not suitable for development under the provisions on the LDO, are excluded. An example is the area on the eastern boundary, which includes areas known to be of biodiversity interest and mature planting which provides natural screening of the business park from the wider landscape.

Environmental Impact Assessment

- 2.20 The LDO has been screened under the Environmental Impact Assessment Regulations. The Screening Opinion was that an Environmental Statement is not required.

Supporting Studies

- 2.21 Informed by the Screening Opinion, several supporting studies were prepared to inform the LDO. The scope of these studies and how they have informed the LDO are summarised below:

Land Contamination Phase 1 Desk Study

This has concluded that there are plausible pollutant linkages, most likely associated with the historic military use of the site. Phase 2 surveys are recommended before development. This requirement is included in the LDO conditions.

Ecology Phase 1 and 2 Assessments

The LDO area has been assessed in terms of its ecological interest. Areas of interest are identified which will require further survey before development is permitted. Sensitive woodland boundaries are identified where external lighting is restricted to mitigate the impact on bats. The assessments have informed the design

guidance including opportunities for improving biodiversity through redevelopment of the previously developed site. A condition of the LDO requires the ecological baseline to be reviewed every two years to ensure it is kept up-to-date. Significant changes in the baseline may require review of the LDO.

Flood Risk Assessment

A Level 1 Flood Risk Assessment (FRA) Screening Study has been undertaken. The business park is located within Flood Zone 1. The overall risk of flooding from rivers and seas is “negligible”. The potential risk from surface water (pluvial) flooding is “negligible”. The site is not identified to be at risk from groundwater flooding.

The LDO conditions require approval of sustainable surface drainage strategies for development.

Heritage Statement

A Heritage Statement has been undertaken to assess the impact of development on the historic interest of the LDO area, and its surroundings which include a scheduled monument and listed buildings. The statement identifies the significant amount of assessment that has already been undertaken in this location and has identified appropriate mitigation of the historic interest. Mitigation has been included in the LDO development parameters, including restricting the height and location of new buildings on the northern boundary (adjoining Greenham Common), avoiding new buildings in the setting of the neighbouring listed buildings (buildings 273 and 274), limiting building height and permitted uses on the eastern boundary of the LDO area.

Landscape and Visual Appraisal (LVA)

The LDO development parameters and design guidance have been informed by the LVA. This identified that building heights should be limited on the northern boundary and no higher than Building 400. A continuous roof line should be avoided on this boundary to reduce the impact on sensitive views from the adjoining Common. Within the site, the ground levels gently slope down to lower ground around the entrances from the A339. Buildings can be higher in these areas but should not exceed the height of the tallest existing building (Building 301). Design guidance is provided to manage the visual impact of new buildings as well as providing guidance for maintaining and enhancing the existing landscape framework within the LDO area.

Lighting Assessment

A baseline lighting survey was undertaken to determine existing conditions in the LDO area. The surrounding area was classified as Environmental Zone E2 – low district brightness areas. Recommendations for minimising the impact of external lighting are included in design guidance, and an LDO condition controls external lighting levels on the ecologically sensitive boundaries of the LDO area.

Transport Assessment

A transport assessment (TA) of the potential impacts of development permitted by the LDO was undertaken. This has included assessment of the potential traffic impacts compared to the extant planning permission. Three 'growth scenarios' were tested recognising the flexibility in permitted development under the LDO: high, medium and low. The TA shows that the permitted development under each of the scenarios is acceptable in transport and highway terms. The TA has informed a revised Travel Plan for the site.

Extant Planning Permissions

- 2.22 The LDO does not supersede or vary any extant planning permissions within the LDO area.

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3. Local Development Order

3.1 Definitions

3.1.1 The following definitions apply to the Greenham Business Park Local Development Order (LDO):

‘The LDO area’

The area identified as ‘LDO Area’ on ‘LDO Plan 1’ (Appendix A). This area forms part of the existing boundary of the Greenham Business Park.

‘Greenham Business Park’

The area of the established business park controlled by the Greenham Trust (or its successor in title) identified as ‘Business Park Boundary’ on LDO Plan 2.

‘Duration’

Is the period specified for the operation of the LDO (section 4.2).

‘Local Planning Authority (LPA)’

West Berkshire Council, or its successor in title, is the Local Planning Authority for the LDO area.

‘Development parameters’

The development parameters set out in Table A.

‘Zone’

Means the zones within the LDO area identified on LDO Plan 2.

‘Primary uses’

Are the uses identified as ‘Primary’ in Table B (see also notes in table A).

‘Secondary uses’

Are the uses identified in Table B (see also the notes in Table A).

‘Planning conditions’

Means the planning conditions set out in Appendix B and explained in section 3.7.

‘Design guidance’

Is the guidance provided in Appendix C.

‘Floorspace’

For the purposes of this Order, all floorspace is measured on the gross internal area (GIA) in square metres, in accordance with the RICS Code of Measuring Practice core definition, unless otherwise stated.

‘Baseline development’

Is the existing floorspace within the LDO area as at 2017’ (please refer to Appendix F).

‘Pre-development notification’

Means the notification required under section 4.1.

‘Pre-development notification fee’

Means the requisite fee identified in section 4.1.

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3.2 Development parameters

3.2.1 Development is permitted within the LDO area where it is in accordance with the parameters set out in Table A. Development proposals not in accordance with these parameters, or elsewhere within Greenham Business Park, will require separate planning permission.

Table A: Development Parameters

LDO Parameter ref	Parameter	Limitations/exclusions	Notes
P1	Maximum floorspace within LDO area	Up to 152,000 sq m Refer to LDO Plan 1.	This includes the baseline development (Please refer to Appendix F). LDO area excludes the two listed buildings (Buildings 273 and 274). Development within the LDO area must not exceed 152,000 sq m without further assessment through planning application.
P2	Primary uses	Unrestricted subject to P1 and Table B.	Development permitted in the LDO area is focused on the primary employment generating uses identified in Table B.
P3	Secondary uses	Up to 28,715 sq m and restrictions set out in Table B.	Secondary uses (identified in Table B) are limited to just under 20% of total floorspace allowed in LDO area to ensure that the focus remains on the primary employment generating uses and to manage traffic impacts.
P4	Location of development: Zones A, B, and C.	Refer to Land Use Zone Plan (LDO Plan 2).	Additional B2/B8 uses are excluded from Zone C to protect the amenity of the residential properties neighbouring the LDO area.

		<p>Zone A: Business use; Primary uses only.</p> <p>Zone B: Mixed use; Primary and secondary uses</p> <p>Zone C: Mixed use; primary and secondary uses, excluding B2/B8 uses.</p> <p>Development is not permitted in Zones D and E (with the exception of P5).</p>	
P5	Zone D	Limited to the permitted minor operational development ¹⁰ (No new buildings or structures without separate planning permission).	Development is controlled in Zone D to protect the setting of historic interest. Any new building within this area will require a planning application supported by an assessment of the heritage impact.
P6	Zone E	No development, other than soft landscaping works.	Development is excluded from these areas to protect the ecological, landscape and historic interest of the site.
P7	<p>Maximum building heights</p> <p>Buildings must not exceed the maximum building height shown in metres above ground level.</p>	Refer to Building Heights Plan (LDO Plan 3).	Building heights are controlled to mitigate the visual impact of development and protect the historic interest of the site.

¹⁰ Please refer to section 3.5.

3.3 Permitted Land Uses

3.3.1 With reference to the Town and Country Planning (Use Classes) Order 1987, Table B sets out the land uses that are permitted by the LDO (subject to the Development Parameters set out in Table A).

Table B: Permitted Land Uses

Use Class		Category of use	Exclusions/notes	Maximum floorspace/area permitted with LDO area (including baseline development)	Notes
B1a	Office	Primary	Ancillary office space is also allowed in addition.	22,800 sq m	This represents 15% of total floorspace – Policy ECON6). Ancillary office space is also subject to maximum floorspace (LDO Parameter P1).
B1b	Research & development			Up to 7,600 sq m	
B1c	Light industry			Unlimited (subject to LDO Parameter 1)	
B2	General industry		<ul style="list-style-type: none"> Excluded from Zone C Waste management uses are excluded. Open-air industrial processes are excluded. 	Unlimited (subject to LDO Parameter 1)	Waste management and open-air industrial processes require further assessment by planning application to ensure that the impacts are acceptable.
B8	Storage and distribution, including motor		Exclusions:	Unlimited (subject to LDO Parameter 1).	Decked motor vehicle storage is permitted to assist in meeting market demand in a more efficient

Use Class		Category of use	Exclusions/notes	Maximum floorspace/area permitted with LDO area (including baseline development)	Notes
	vehicle storage (decked-parking only)		<ul style="list-style-type: none"> Motor vehicle storage (open) Additional B8 use is excluded from Zone C.	Motor vehicle storage (decked-parking) is restricted to Zone A and a maximum of 7 hectares in total footprint.	way and free-up space for other primary uses.
Sui generis	Data Centre		Permitted in Zone A only.	Up to 17,130 sq m	Data centres are a primary use as they provide vital support to the digital economy. The maximum total floorspace for this use includes unimplemented floorspace approved under extant permission (08/02354/COMIND).
A1	Shops	Secondary		Up to 750 sq m. Up to 500 sq m per unit	A1 and A3 uses are permitted to support the vitality and sustainability of the business park but are restricted to avoid competition with the town centre and to manage traffic impacts.
A3	Restaurants and cafes			Up to 300 sq m	
D1	Non-Residential institutions: Creche, Day nursery, Museum, Rehabilitation centre (non-			Other uses falling within Use Class D1.	Up to 2,000 sq m.

Use Class		Category of use	Exclusions/notes	Maximum floorspace/area permitted with LDO area (including baseline development)	Notes
	residential); Education and training centres (non-residential).				
D2	Assembly and leisure: Gymnasium, Area for indoor or outdoor sports (not involving firearms or motor vehicles).		Other uses falling within Use Class D2 uses.	Up to 3,000 sq m.	D2 uses are permitted under the extant planning permission but are limited under the LDO to manage traffic impacts.
Sui generis	Motor vehicles sales		For the purposes of this LDO workshop/garage space ancillary to motor vehicle sales is classed as B2.	Up to 14,000 sq m.	

3.4 Change of use

- 3.4.1 Change of use of existing floorspace within the LDO area is permitted if it is either:
- a. in accordance with the development parameters and permitted land uses of this Order; or
 - b. in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended from time to time.

3.5 Minor operational development and other miscellaneous development

- 3.5.1 In addition to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended from time to time, the following minor operational development and miscellaneous development within Zones A, B, C, and D only is permitted by this Order subject to being in accordance with the planning conditions:

- Hard and soft landscaping associated with existing and permitted land uses
- Small-scale renewable energy installations providing energy for individual existing or new buildings, integrated within the building or within its curtilage, excluding wind turbines.
- Creation or alteration of private highways, pedestrian, and cycle ways,
- Rearrangement of existing vehicle parking
- Provision of cycle parking, including secure cycle storage (no structures in Zone D)
- Provision and alteration of accessibility measures to improve mobility for people with disabilities
- Provision of waste and recycling storage and collection facilities for individual properties
- Street lighting
- External security lighting
- CCTV cameras.

3.6 Demolition

- 3.6.1 Demolition of existing buildings and structures within the LDO area is permitted under this Order where the demolition activity is required to facilitate redevelopment that complies with the development parameters.
- 3.6.2 The Local Planning Authority must be notified of demolition proposals through the pre-development notification process.

3.7 Planning conditions and informatives

- 3.7.1 Development permitted by this Order is subject to compliance with the planning conditions set out in appendix B¹¹.

¹¹ Town and Country Planning Act 1990 Part III Section 61C (b).

- 3.7.2 Some of the conditions require the approval of further details by the Local Planning Authority before development of the permitted scheme commences.
- 3.7.3 Approval of details reserved by condition will be by way of the standard application process and requisite fee payable to the Local Planning Authority.
- 3.7.4 The Local Planning Authority will determine applications for the approval of details reserved by conditions within 21 days in line with the Government's target. If necessary, it will give the applicant notice in writing that further information is required and a request for an extension of time to consider the additional information.

3.8 Design guidance

- 3.8.1 Guidance on the design of new development in the LDO area is provided (Appendix C). The planning conditions with this Order require the submission of a design statement to demonstrate how the proposed development has responded to this guidance. Proposed development that is in general accordance with the design guidance is permitted by this Order.
- 3.8.2 The objective of the design guidance is to provide a coordinated approach to the long-term regeneration of the business park and achieve good place-making which can contribute to the continued success and vitality of this key economic area.

4. Other matters relating to the operation of the LDO

4.1 Pre-development notification

- 4.1.1 Prior to the commencement of development permitted by this LDO, the Local Planning Authority must be notified of the proposed development. A Pre-development notification form is provided in Appendix D for this purpose.
- 4.1.2 On receipt of a completed pre-development notification form, the Local Planning Authority will confirm in writing within 15 working days (the notification period) that:
- a) The proposed development is permitted by the LDO and therefore can proceed without the requirement for a planning application
 - b) That the proposed development is not in accordance with the LDO and therefore a planning application is required
 - c) Further information is required to determine whether the proposed development is permitted by the LDO, including reasons why there is any uncertainty.
- 4.1.3 Failure of the Local Planning Authority to respond in writing within this period will be deemed as confirmation that the proposal is permitted.
- 4.1.4 Development or demolition must not commence until the notification period has passed.
- 4.1.5 A fee is payable to the Local Planning Authority when notifying it of the intention to implement development permitted by this Order (refer to Appendix D).

4.2 Duration, review, and revision

Duration

- 4.2.1 This Order takes effect from the date of its adoption by the Local Planning Authority. Its adopted period of operation is 15 years.

Review

- 4.2.2 The Local Planning Authority will review this Order not less than every five years from its adoption. This is to ensure that the objectives of the LDO are being achieved. The reviews will identify whether it is necessary to review the technical studies supporting the LDO due to changes in the material conditions or other relevant factors, and thereafter, whether any amendment to the provisions of the LDO are necessitated thereby.

Revision

- 4.2.3 The Local Planning Authority may at any time prepare a revision of the LDO¹².

¹² Town and Country Planning Act 1990 Schedule 4A (2[1]).

- 4.2.4 In such cases as revisions are deemed appropriate, the Local Planning Authority will publicise the proposed revisions for a minimum of 28 days and invite representations in writing.
- 4.2.5 Development permitted by the LDO prior to its revision, and of which the Local Planning Authority has been duly notified, may be completed if it has lawfully commenced before the revised Order has been adopted by the Local Planning Authority.

4.3 Revocation

- 4.3.1 The Local Planning Authority may at any time exercise its powers to revoke all or part of the LDO¹³. The Local Planning Authority will publicise its intention to revoke all or part of the LDO for a minimum of 28 days and invite representations in writing.
- 4.3.2 Development permitted by the LDO, and of which the Local Planning Authority has been duly notified, may be completed if it has lawfully commenced before the revocation of the Order.

4.4 General Permitted Development Order

- 4.4.1 This LDO in no way restricts the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015.

4.5 Compliance with other legislation

- 4.5.1 The LDO relates to the provisions of the Town and Country Planning Act 1990 and associated legislation only. It does not supersede the requirement to comply with other legislation, including building control regulations and environmental permits.

4.6 Community Infrastructure Levy

- 4.6.1 Developer contributions have already been made in respect of the extant planning permission. Only those land uses not included in the extant permission are subject to the Community Infrastructure Levy.

¹³ Town and Country Planning Act 1990 Part III Section 61A(6).

APPENDIX B GREEN TRAVEL PLAN



*Where commerce, art and
concern for the environment
come together*

New Greenham Park

Green Transport Plan

New Greenham Park

- looking forward with confidence



Since its founding in early 1997, New Greenham Park has been developing as an ideal location for business. The 150 acre business park, bordering the newly restored Greenham Common is set amidst the beautiful Berkshire countryside at the cross roads of southern England, and has grown from the ashes of the former Greenham Common Airbase. The Park

has outline planning permission for 1.6 million square feet of commercial development.

The first phase of new development saw the opening of the new Enterprise Centre, which provides a nursery environment for up to 100 new and growing businesses.



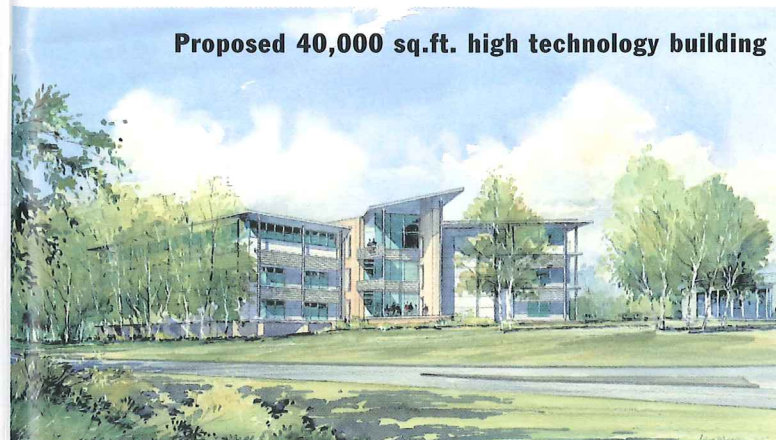
The Enterprise Centre

The second phase of development has been the building of three new roundabouts to help ease traffic flow on the busy A339. A major new access road has been constructed into the Park. A stylish new security and information lodge has been commissioned and further plans are afoot for a range of high quality buildings along the front of the Park.

Greenham Common Trust, who own and manage the business park, confidently expect that, as further development work is completed, New Greenham Park will continue to be a truly exciting place to work - a place where commerce, art and concern for the environment come together.

Anyone interested in locating at New Greenham Park should contact Greenham Common Trust, or the Trust's joint letting agents, Dreweatt Neate or FPD Savills. See the back cover for contact details.

Proposed 40,000 sq.ft. high technology building



Letters of support for the Plan



The West Berkshire area is a good place to live and work. Thriving towns and rolling downlands and woodlands provide the backdrop to the lives of the inhabitants. Commuting is an ever important issue in our lives, as we ourselves to travel to work and play and also as we watch the commerce of Great Britain pass through our central location.

West Berkshire Council has long recognised that ever increasing transport problems need to be tackled to ensure that our children and grandchildren can in turn enjoy their surroundings. The building of the Bypass, the pedestrianisation of Newbury town centre and traffic calming initiatives have all played their part in improving our quality of life, but we know that this is not enough. We know that we must change our attitudes to the car or suffer all the concomitant consequences - pollution, poor health, increasing costs and the eventual clogging of the commercial arteries.

Green transport is as vital to our quality of life as clean air. By looking ahead and recognising the hard decisions to be made we can be one step ahead of the incoming tide of traffic congestion. I am sure that the measures set out in this comprehensive Plan will help us to achieve the green transport targets we have set ourselves and also help us to pass on to our children a peaceful and prosperous community.

Keith Lock
Leader of Council, West Berkshire Council

Raleigh of Nottingham has been making bicycles in the UK for more than 113 years. Over the last century the cycle industry has faced some dramatic changes, and some of today's cycles would be unrecognisable to our Victorian predecessors. But sadly, despite its best efforts to stay in touch with the changing needs, habits and attitudes of the public, the demand for, and use of bicycles - whether for transport, leisure or sporting activities - has been resolutely in decline. The motor car, the TV, and now the Internet have all taken their toll on our time and inclination to enjoy one of life's great pleasures - a bike ride.



We are therefore proud to be associated with this new initiative to raise and stimulate interest in cycling, both from an environmental perspective as well as from the point-of-view of general health. Bikes are good for you and they are fun. Surely a winning combination! Whether it is with major national initiatives - like the National Cycle Network - or with the exciting new ventures such as at New Greenham Park, we do passionately believe that we at Raleigh have a proper role to play, alongside Government and voluntary organisations, to promote the cause of cycling. This is not merely self-interest, but truly stems from our long heritage, and our commitment to making first-class cycles to give pleasure and true re-creation to the broadest cross-section of our society.

We love cycles - and we want to do all we can to share and promote our enthusiasm to the young (and not so young!) alike.

This is a marvellous plan, and we are thrilled to play our part in it.

Phillip Darnton
Managing Director, Raleigh Industries

Why a Green Transport Plan?

Greenham Common Trust is a fairly new organisation. It employs only a handful of people and, on the face of it, is not really in a position to make a great difference to the green transport agenda. Having said that, the Trust owns and manages 150 acres of brownfield site that it is developing as a high quality business park with the aim of bringing together commerce, art and concern for the environment.

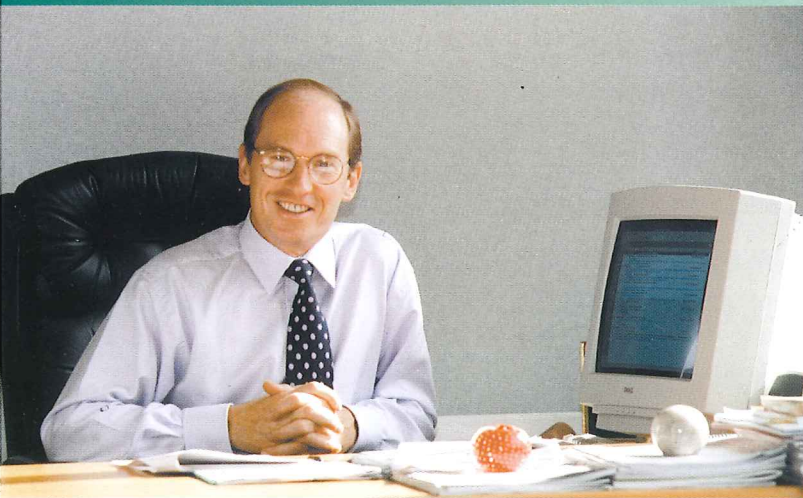
That puts the Trust in a strong position to secure some significant changes in transport patterns in a way that even large individual companies might struggle to achieve on their own. There are some great opportunities for innovation and partnerships. This plan aims to provide a framework for the initiatives that we are committed to developing over the coming years.

Quite apart from all the high minded - for the greater good of mankind - issues, there is a hard edge to this. I am absolutely convinced that many of the elements involved in the green transport initiatives we will be promoting will make New Greenham Park a more attractive place for people to work and for businesses to locate. This will give the Park a competitive edge in the market place in comparison with locations where a less active approach is taken to green transport issues.

Stuart Tagg
Chief Executive, Greenham Common Trust



Preface by the Author



Ten years ago the use of such phrases as 'traffic management', 'demand management' and 'reducing car dependence' would label the speaker or writer as a radical, out of touch with reality. Add the promotion of alternative forms of transport such as buses, cycling and walking and one was almost certainly going to be seen as idealistic, unbalanced or worse. This experience was to be had at any public gathering held to consider

the future traffic and environmental issues facing Newbury and Thatcham. As recently as three years ago the experience could still be had in small market towns in other parts of the south of England. Meanwhile the reality from which such views were supposedly detached was one of increasing congestion on our roads, serious delays in travel times, increased road traffic accidents, palpable environmental impact, traffic related morbidity and an almost total failure to accept that the solution required more than a reliance on road-building.

Fortunately something very significant has happened to the public's collective consciousness in these last few years: few people, if any, now dispute that there is a problem and most accept that we cannot solve it as we have done in the past. At public gatherings all over the UK and Europe these issues are under debate. The central questions are about how we can continue to benefit from the private car whilst reducing our dependence on it. A critical issue brought into sharp relief by the current fuel crisis. This is about how we can improve transport choice, increase accessibility and enhance the environment and the vitality of our settlements. The central question is about how we change our own attitudes and travel behaviour. This debate is not about the toolkit of traffic management; it is about how we can change hearts and minds.

The green transport plan is the most effective way in which the private sector can play an active part in the process and thus influence the attitudes and travel behaviour of large numbers of employees and customers.

Alan Jones, BA (hons), MCD, DMS, MRTPI

Alan Jones is Chief Executive of Test Valley Borough Council. He has wide experience as a Town Planner and Manager in a variety of local authorities and was, in his former role at Newbury District Council, the author of *Head and Heart: an Integrated Strategy for Transport and the Environment*. He is a visiting fellow of the University of Southampton. He is also a cyclist and cycling campaigner and has carried out the work for this Plan in return for a payment to Macmillan Cancer. He lives with his family in the District.

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Introduction

The aim of this plan is to demonstrate the commitment of the Greenham Common Trust to the sustainable development of New Greenham Park. The plan illustrates how the Trust, in partnership with the companies at New Greenham Park will, through the implementation of the proposals in the plan, not only contribute to improving the environment of West Berkshire, but will see clear commercial benefits for business and the local economy.

What is a Green Transport Plan?

Green Transport Plans are a way in which organisations such as Greenham Common Trust can make proposals for the sustainable management of the transport needs of businesses and their staff. Such plans are supported by central Government, the Regional Development and Planning Agencies, West Berkshire Council and Basingstoke and Deane Borough Council.

"Green Transport plans produced by local authorities, businesses, community organisations, schools and hospitals will alert people to the problems and solutions"

'A New Deal for Transport: Better for everyone' Government White Paper on Transport (1998)

"West Berkshire Council supports the development of Green Commuter Plans"

West Berkshire Council TPP 1999-2000

"The Council will be liaising with employers to encourage their adoption of green commuting initiatives"

Local Transport Plan 2000/2001- 2004/2005

This Plan comprises a series of policies and ideas, tailored to suit the needs of New Greenham Park and seeks to raise awareness of the problems caused by increased traffic, particularly by trips made alone in cars. The plan includes some background on the nature of the problem and initiatives to get the message across to businesses and staff that there are alternatives. The plan has a wide range of policies and proposals which will help reduce dependence on the car and combat congestion and its environmental implications.



The policy 'toolkit' includes promotion of public and community transport alternatives, car sharing, cycling and car park management but also a range of ideas designed to change working practices and influence business and company culture. These ideas will also have the benefit of promoting road safety and the health of staff as well as reducing costs and improving efficiency. The plan will also help businesses plan for expansion without the expense of increasing car parking facilities.

Reasons to be concerned - some facts and trends

Transport and the economy



The ownership and use of the private car has been one of the most important improvements in the quality of people's lives over the last century. It has provided incredible flexibility and access to the majority of people in the developed world. There is an increasing realisation, however, that we cannot go on relying on the car as our primary form of travel. The use of the car for up to 80% of our journeys, more than half of which are less than a few miles, has led to serious environmental and social problems.

Traffic has a heavy impact on business as well as the quality of everybody's life. The Confederation of British Industry estimates that congestion costs UK business £15 billion a year through delayed deliveries, higher fuel consumption and wasted employees' time.

Business is also affected by the impact of stress caused by driving in congested areas and ill health related to air pollution, accidents and lack of exercise. Traffic levels causes poor air quality in many parts of our towns and countryside and contributes to asthma and other diseases. Many urban and rural communities are divided by busy roads, and many of these roads and even our residential streets are not safe for children to play. In the UK, emissions of carbon dioxide from road transport are the fastest growing contributor to climate change.

Despite all this, nationally 30% of households do not have access to a car. Businesses which are only accessible by car, may therefore exclude a large number of potential employees and customers.

The South East

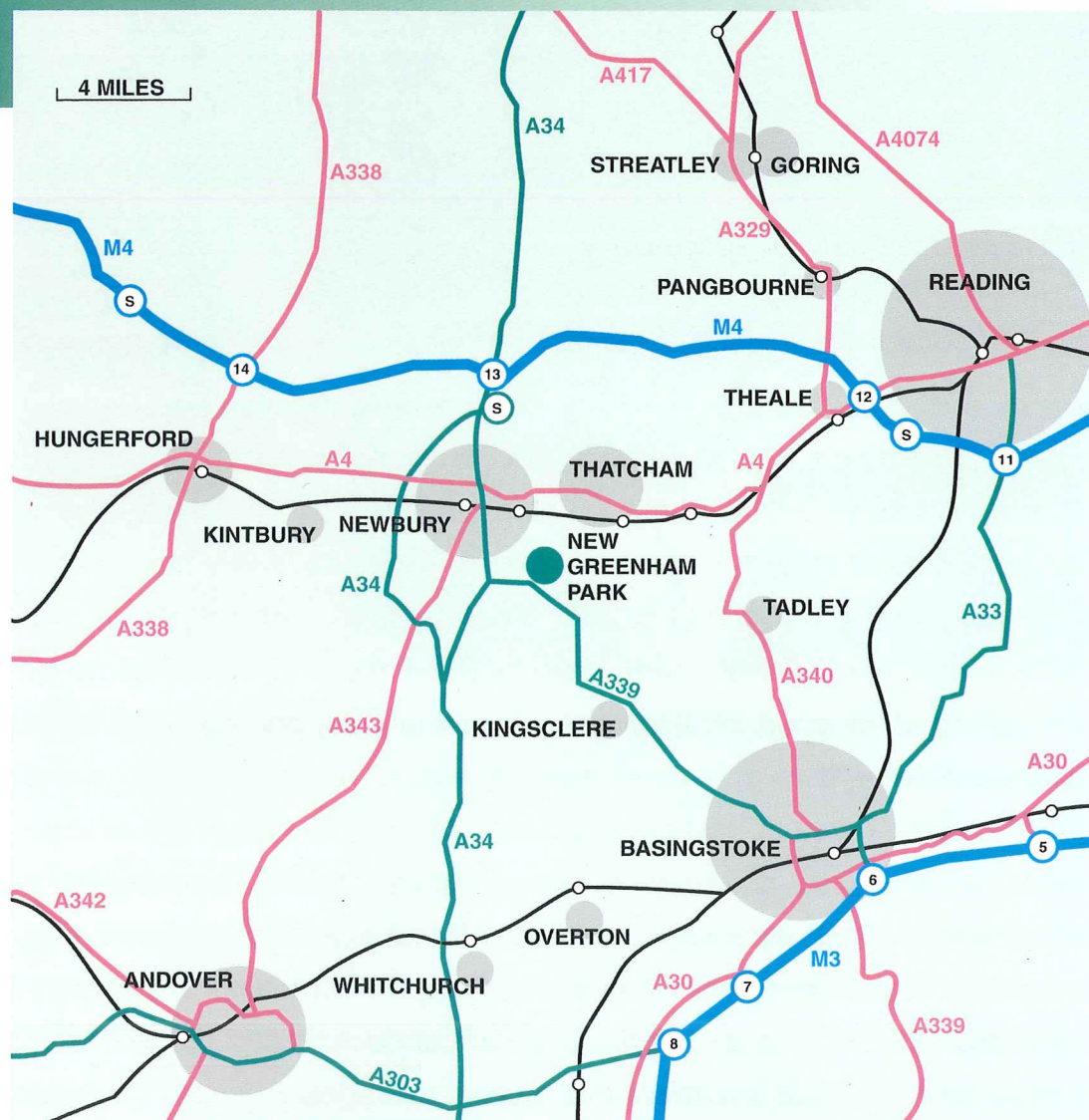
The South East is the most successful UK economic region. West Berkshire is, on a number of indicators, at the forefront of this economic success and recognised by the Standing Conference on South East Regional Planning (SERPLAN) as an 'area of economic pressure'. One of the characteristics of such areas is that traffic congestion becomes a barrier to business growth. Another is the shortage of high skilled labour and the high incidence of commuting. The overheating of the labour market and overloading of transport infrastructure are mutually supporting and a serious limit to sustainable growth.

The region is a victim of its own success. Across the UK, for every 1% increase in GDP there is a 1% increase in goods traffic and a 1.5% increase in passenger transport. This is exaggerated in the South East where flows are already 2-3 times higher than the national average and where car ownership rates and the propensity to travel and commute are above the national averages.

The Geography of West Berkshire

West Berkshire District comprises 56% of the area of the Royal County of Berkshire. The district has 37% of the roads by length, most of which are rural. The district is still predominately rural in character with 95% of the population living outside the towns. Newbury, a town which was established largely due to its benefits in terms of communications, is still a crossroads town and owes much of its present day prosperity to the strategic importance of the A34/A4/M4 intersections. The geography of Basingstoke and Deane, which lies only a mile or so away from New Greenham Park, shares a similar character.

The very nature of the area promotes a high demand for travel and a dependence on the private car.



Population and Housing Trends

The West Berkshire District has seen substantial growth over the last two decades. According to former County Council and West Berkshire Council sources the population grew by 20% between 1981 and 1997. Over the same period the average growth for the south-east was 6.5% and for England it was 4.8%. The population of the district is predicted to rise by a further 3.6% by 2006.

Over approximately the same period - 1991-1998 - the housing stock of the district increased by 30%. A further 5,050 new houses are planned to be built by 2006.

Both population and housing trends suggest that the demand for travel and, in particular reliance on the private car, will continue to grow steadily and at the peak of regional and national patterns.

Economic Trends

Between 1981 and 1996 the number of jobs in Berkshire increased by 21%. In West Berkshire the figure was 56%! (former County Council and West Berkshire sources). In West Berkshire existing development commitments will create 13,000 more jobs which represents an increase in the current total of 20%.

Berkshire as a whole has, according to SERPLAN sources, the highest GDP per capita in the South-East and average income is amongst the highest in the UK, second only to greater London. The potential impact in terms of travel demand, car ownership, propensity to commute and traffic congestion is clear. These trends reinforce the importance which local Councils are placing on initiatives such as Green Transport Plans.

"...there is an increasing awareness amongst local businesses that whilst road access remains an important factor in economic development, congestion and the adverse environmental impact of traffic can be detrimental to business success, particularly in urban areas. The Council wishes to build on this greater awareness by developing its links with the business community and by encouraging/assisting with the production of green transport plans."

West Berkshire Local Transport Plan 2000/2001 - 2004/2005

Transport Trends

Given the trends in terms of economic growth, GDP per capita and average income, it is no surprise to find that levels of car ownership are as high in West Berkshire as anywhere in the UK. 83% of West Berkshire households have a car and 45% have two or more. In Newbury and Thatcham 75% travel by car to work. Commuting is a significant factor in explaining the overloading of local transport infrastructure. There are large inward and outward movements of workers on a daily basis; 37% resident workers commute out and 33% of the jobs in the district are occupied by people who commute in. Furthermore, over the period 1981 - 1991 the pattern has worsened with

out-commuting increasing by 21% and in-commuting increasing by 73% (West Berkshire Council Local Transport Plan figures). There is also clear evidence that the average distances travelled by the commuter have increased significantly over the period.



Observed Traffic Growth

Traffic flows in the Newbury and Thatcham area are well above the national average - and growing faster than most of the UK. Newbury and Thatcham have long suffered from acute traffic congestion. Traffic levels overload the network at peak periods and the peaks are spreading. The by-pass has removed much of the through traffic, and the West Berkshire Council has already taken advantage of the road capacity freed up to remove traffic from town centre roads. The respite provided by the by-pass will, however, be temporary. Congestion is again increasing on the former A34 (A339) and A4 and on other through routes. Rat-running in residential areas is a serious problem in some parts of Newbury. Despite the efforts of the West Berkshire Council in the town centres of Newbury and Thatcham, the Council acknowledges that there remains a problem of conflict between pedestrians, cyclists and motor vehicles.



Reasons to be encouraged - some policy responses

National Transport Policy

The problems created by the uncontrolled growth in private transport are now widely acknowledged and recently there has been a convergence of policy initiatives at central and local level in response. In central Government there have been significant shifts in policy in recent years with the publication of a welter of policy and legislative documents. Principal amongst these were the Road Traffic Reduction Act 1997, the Transport White Paper - A New Deal For Transport: Better For Everyone, 1998 and, most recently, Transport 2010, the Government's 10 Year Plan (July 2000). The 10 Year Plan proposes £180 billion investment in transport infrastructure but is still reliant on public and private sector partnerships to deliver attitude change, demand management and private investment.

The main themes of the published policies and guidance are:

- integration of land-use and transportation;
- demand management, particularly the reduction of car dependence;
- encouragement of alternative modes of transport;
- partnerships with the private sector;
- improvement of the environment; and,
- accessibility for all.

High traffic levels have given rise to environmental problems related to air quality, severance and noise. This is particularly evident along the town sections of the former A34 (A339) where the by-pass has had limited impact in this respect. Emissions from road traffic have a potentially serious effect on the health of residents in a number of areas and the West Berkshire Council have identified these for attention (Local Transport Plan).

" Before this £180 billion Plan, congestion on our roads was set to grow by 15% over the next ten years. Our goal is to reverse that trend by removing traffic bottlenecks and improving public transport so people have a real choice of leaving their cars at home. This will also help the environment."

Summary: Transport 2010

Regional Transport Policy

The same themes have also found their way into Regional Planning Guidance (SERPLAN), the Regional Economic Strategy (SEEDA), the work of the Regional Assembly (SEERA) and, of course, the Structure Plan.

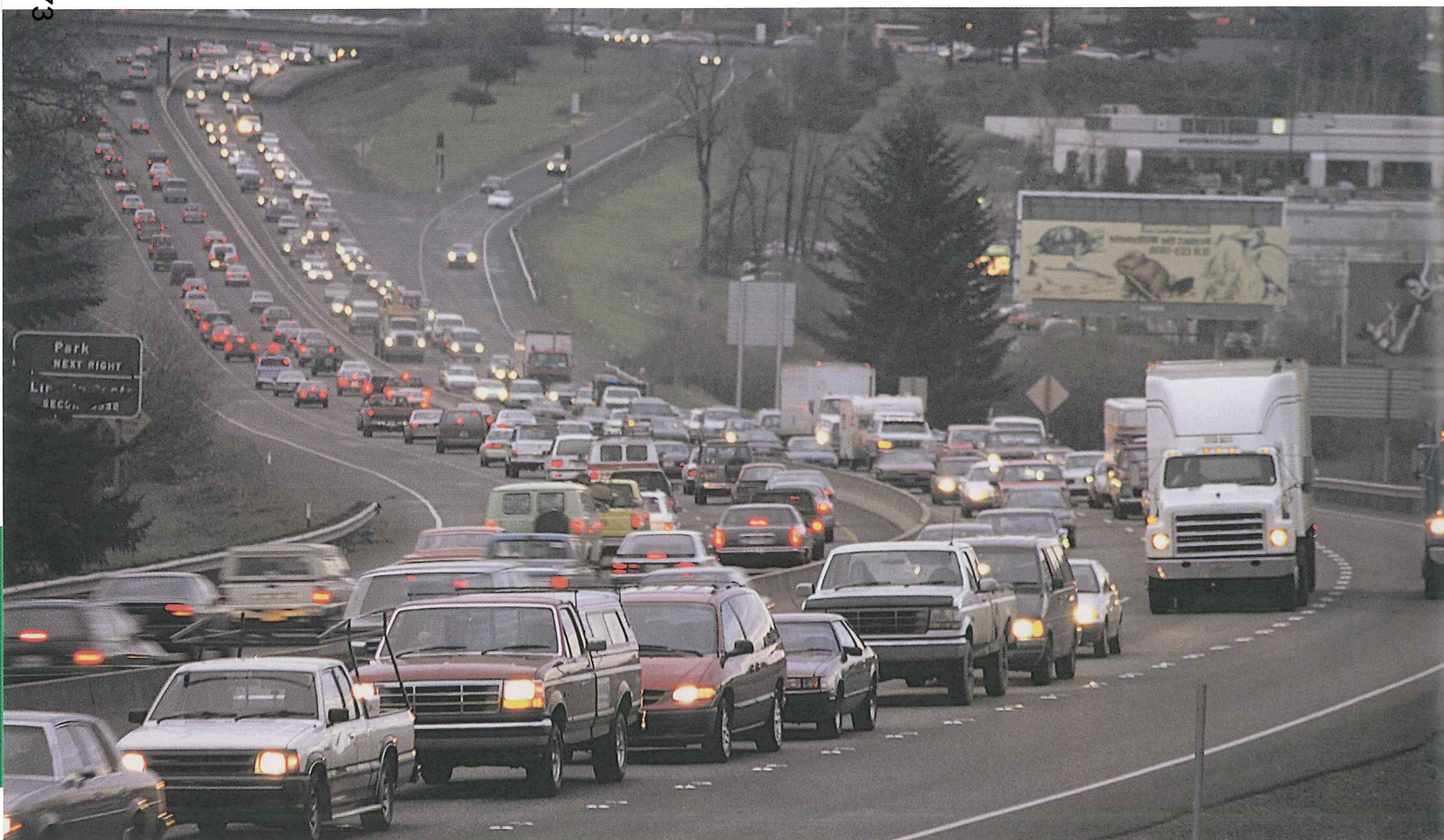
Once again the emphasis is on:

- sustainability;
- inclusiveness; and,
- demand management.

Most recently, however, there has been a recognition across all tiers of regional and strategic planning that these issues underpin the competitiveness of the region. It is no longer sufficient, even in the most successful economic region of the UK to rely on growth alone. The inevitable overheating of the labour markets and attendant overloading of the region's transport infrastructure will ultimately provide a brake on economic performance. Furthermore, the traditional response of infrastructure investment and expansion will not necessarily solve the problem. There is now an almost universal acceptance that the region's competitiveness in the league table of European regions will rely on us all working smarter and developing sustainably. Growth without expansion and accessibility without congestion will be the themes of the winning region. Inward investment from world class companies will go to regions that display prosperity in balance with quality of life. The measures will not simply be economic and environmental; health and social wellbeing will also be fundamental. Sustainable transport is key to the economic, environmental and social fabric of our communities.

" Public and private sector partnerships, in different forms, will provide the funding for delivering much of this modernisation programme, harnessing private sector finance and disciplines to public objectives. This partnership is central to the new approach of the 10 Year Plan."

The 10 Year Plan page 35



West Berkshire Policy

The West Berkshire Council and its predecessor, Newbury District Council, have been active in promoting sustainable transport in their policies and programmes. The whole thrust of current policy had its foundations in Head and Heart, April 1996, a document containing 'an integrated policy for traffic management and the environment' for Newbury and Thatcham. This document, supported by the Benefiting from the Bypass consultation set the scene for the Newbury ACCESS package bid, the Sustainable Car Parking Strategy, 1999-2001 and the West Berkshire Transport Strategy. The threads have now been drawn together in the West Berkshire Transport Plan 2000/2001 - 2004/2005

There was a recognition, by the former Newbury District Council that the key target was changing hearts and minds.

"We all know that we cannot go on as we have in the past. ... (We) ... must act together to bring about a change in hearts and minds. This statement Head and Heart is the first step. It is not a fully worked up plan and cannot at this stage take account of the constraints and financial implications. These difficulties are likely to be considerable. We are not prepared, however, to let an unquantified concern about such matters prevent us making policy decisions about the kind of towns that we want to hand over to our children."

Keith Lock, Leader of Council, 'Head and Heart', April 1996.

The key principles underpinning the local policy documents are similar to those operating at national, regional and strategic level, with two important additions:

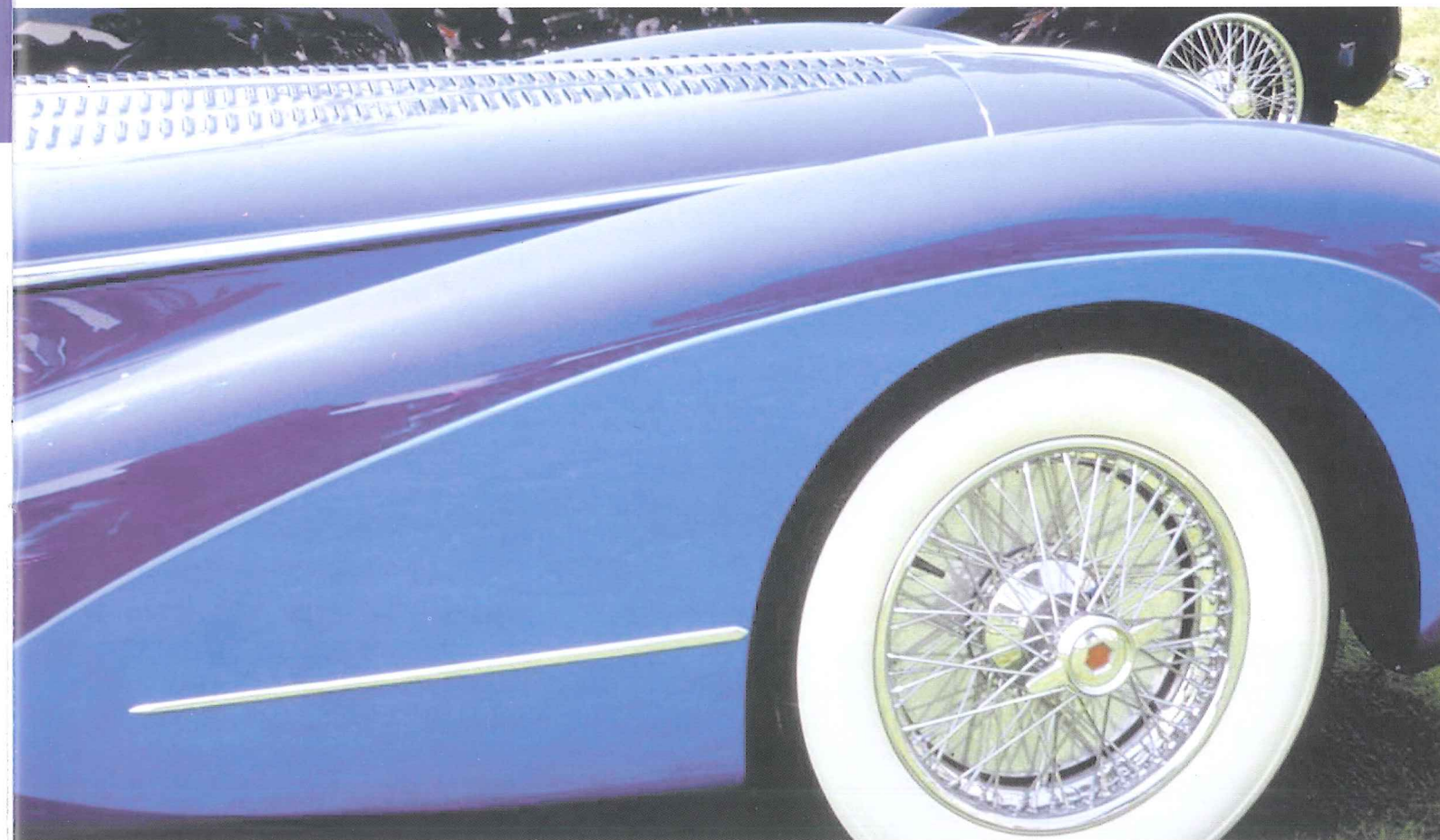
- the integration of alternative modes of transport; and,
- improvements in road safety.

The local policy documents are supported by a wide range of measures and proposals, designed to inter-relate and support one another. It is recognised, however, that the success of these initiatives will depend on the support of other agencies and companies such as Greenham Common Trust through their Green Transport Plans and close liaison with adjoining authorities such as Hampshire County Council and Basingstoke and Deane Borough Council.

Demand management - the hard truth

Whilst official policy acknowledges the importance of managing demand and green transport plans are one way of dealing with the issue we must not under-estimate the difficulties involved in changing hearts and minds. The very notion of movement is bound up with our value system, lifestyle and understanding of social status and success. It is in our psyche: 'she is high going places'; 'he is high powered'; 'a jet setter', 'in the fast lane', 'not hanging about', and so on.

How much policy and promotion will be needed about transport alternatives to counterbalance the single impact of car advertising, for example, with its emphasis on financial, physical, social, sexual and even environmental accomplishment?



"With a total disregard for the laws of evolution - genetically modified and proud of it"

Mitsubishi Motors - Times, May 2000

"You expect luxury, but you want performance. You demand sophistication yet you appreciate passion. And you don't believe in compromise"

Maserati UK - Sunday Times, June 2000

"Stay beautiful - Its not the iron you pump it's the metal you drive...."

Renault - Sunday Times, July 2000

We are literally in two minds about the car; on the one hand we know that it offers convenient and incredibly flexible freedom of movement, on the other hand unfettered use of it will result in gridlock.

"We are nourishing at great cost a monster of great potential destructiveness ... and yet we love him dearly."

The Buchanan Report - Traffic In Towns - Nov. 1963

"Why can't we be less hypocritical and admit that the motor car is just about the most convenient device we have ever invented?"

Prof. Sir Colin Buchanan CBE

**"Killed in the name of freedom. Killed in the name of oil and steel. Choked on carbon monoxide and strangled with a pair of fluffy dice.
"How did it come to this? How did the ultimate freedom machine end up paralysing us all?
How did we end up driving to our own funeral, in somebody else's gravy train?"**

Ben Elton - Gridlock - Warner Books 1991

These opposing views pose a number of serious political dilemmas; they are both correct. We have made a Faustian bargain with the car and the bill is about to arrive. The public do not like controls being imposed and regard the claims made about transport alternatives as unproven or just plain flaky. There is a need for realism in public and private policy making and a recognition that in towns like Newbury and Thatcham, for the foreseeable future, cars will remain the most viable form of transport for most people. Controls and alternatives are required principally to keep the traffic moving and begin the shift to more sustainable modes.

Traffic reduction targets are a good example of where an apparently straightforward issue has distributional and social consequences. The West Berkshire Council's Transport Policy and Programme and Local Transport Plan Targets are to:

- maintain 1999 traffic levels; and,
- up to 2020, reduce traffic to below current levels.



The efficacy of demand management measures to reduce through traffic, notwithstanding the bypass, is extremely limited. It becomes clear, therefore, that the real target of demand management is local traffic. Furthermore, the target becomes increasingly challenging over time as road traffic increases, demand management techniques begin to constrain the network and road conditions worsen. By 2006 it is "over 20% as a proportion of the journeys sensitive to influence, or in excess of one journey in five." And it gets harder: "assuming that demand for travel continues to grow at, say, 2% each year, the demand management target in the year 2025 ... would be to reduce car dependency for commuters to around 50%." (West Berkshire TPP 1999-2000, page 30).

Conclusion 1

The shocking truth, post-bypass, is that most of the town's traffic problem is of its own making and only a change in the behaviour of the townspeople can solve it.

Conclusion 2

Traffic reduction targets impact most on local people, are tough to achieve and get harder over time.

Conclusion 3

Even with carrot and stick policies and initiatives, in any analysis we soon trip over the plain fact that the private car will, for most people, remain the most convenient and economical option.

Conclusion 4

Demand management is about reducing unnecessary traffic to, for the foreseeable future, create the road and parking space to allow cars to remain the most viable form of movement.

Conclusion 5

Every company and agency in West Berkshire has a role to play in seeking to change our system of values about the way we live now and have to live in the future.

A Green Transport Plan for New Greenham Park

Greenham Common Trust does not underestimate the size of the problem or the difficulties in communicating it to companies and employees at New Greenham Park but we propose to support the West Berkshire Council in its demand management targets. In this respect, this plan is the starting point.

Greenham Common Trust recognises that the success of this plan will depend on its understanding and ownership by the companies and employees at New Greenham Park. They, along with the West Berkshire Council, Basingstoke and Deane Borough Council and the local community, are looking to the Trust to give a lead on this matter. All the advice on the publication of green transport plans emphasises the importance of commitment from the top down. The Trust and the management of New Greenham Park give their wholehearted support to this plan and are working to develop similar commitment among companies and employees.



It is fundamental to the success of the Plan that it is a voluntary initiative taken by the Trust to provide an exemplar for others to follow. It will work by cooperation and persuasion. Its driving force will be the promotion of our common aims of sustainable economic growth, environmental improvement and transport choice. The Trust will, however, commit, through its policies and investment in the Park, to many initiatives for the encouragement of environmentally friendly travel.



the private car these figure alone generate several thousand vehicle movements per day, concentrated in the morning and evening peaks. About half the companies operate flexible working hours but, at present, only one fifth are supportive about home working. The great majority of product deliveries are by private vehicle or commercial transport, although use of postal services are significant and e-commerce is represented to a limited extent.

Almost half of the companies are experiencing difficulties in recruiting employees in the area. About 45% of companies felt that an improved bus service would help with recruitment but, typically, few were prepared, at this stage, to help bear the costs. More encouraging is that 56% of companies were supportive or did not object to encouraging the use of public transport by providing transport home in an emergency. 65% support or do not object to co-operating in a car-sharing scheme; and 58% feel the same way about encouraging employees to cycle e.g. by providing cycle loans. Few companies currently use video conferencing facilities but almost 40% would use such facilities if provided to the right standard.

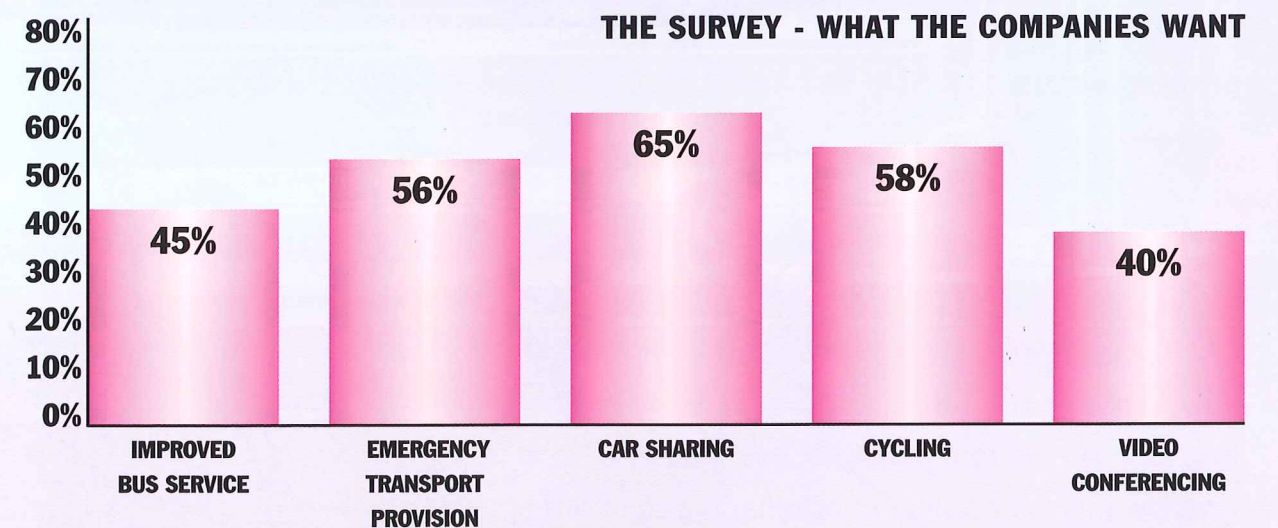
Much background work has already been done with companies and employees.

Company and Staff Surveys

In October 1999 the Trust carried out a questionnaire based survey of companies and staff. Samples of the company and staff questionnaires are available on request from Greenham Common Trust. The summary of findings which follows is based on the total numbers of companies and staff who answered the questionnaire.

Company Survey

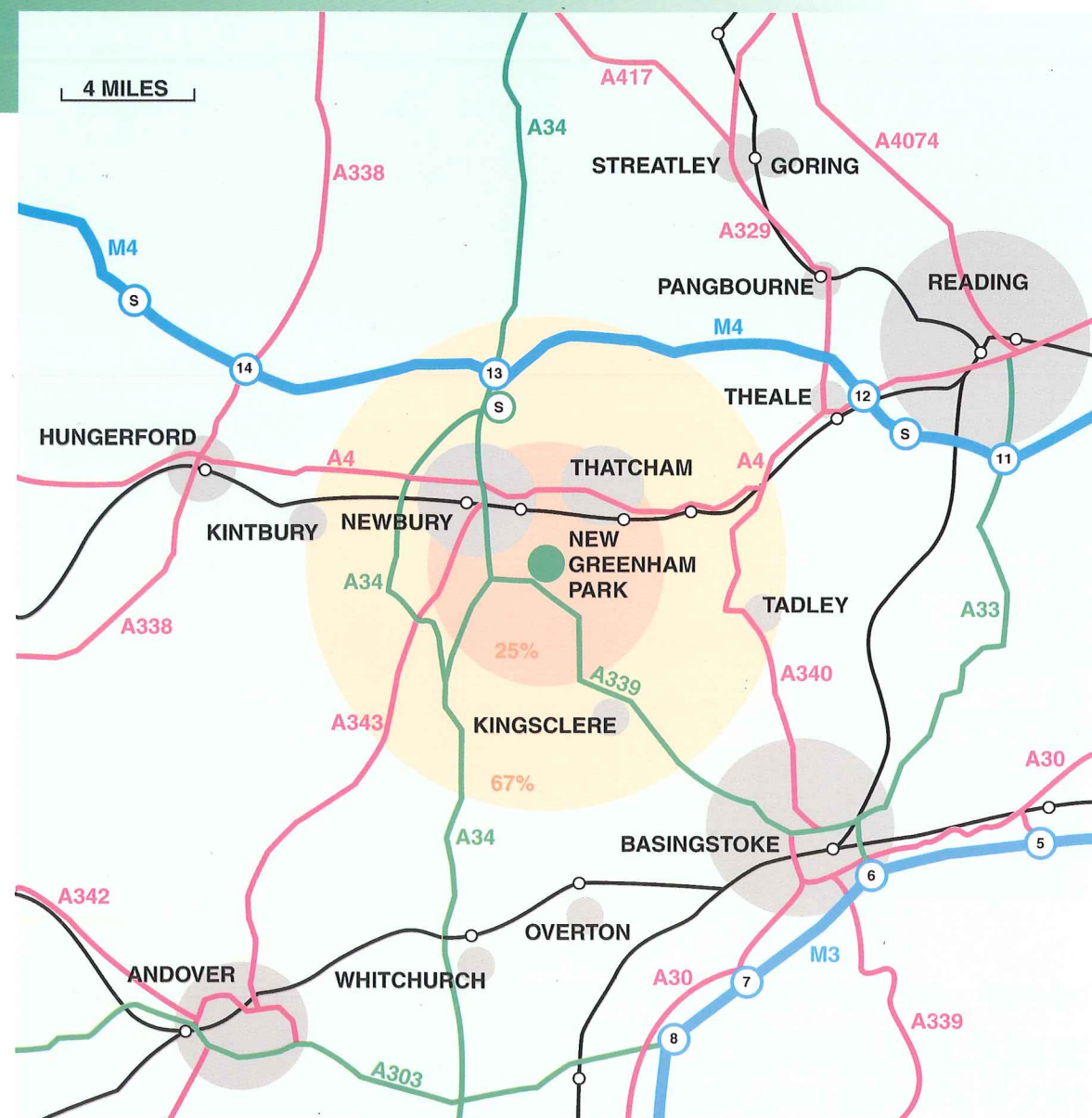
There are in excess of 500 people, 90% full time, employed at New Greenham Park and the figure is expected to increase without expansion of floorspace. It is estimated that over 350 people visit on a daily basis. Since the predominant form of transport is



The main conclusions of the companies survey is that there is great potential for change in travel behaviour, both in terms of existing reliance on private cars, the desire to influence such issues as recruitment difficulties and relatively positive attitudes to public transport and high technology. A full statement of the findings, both in terms of summary indicators and individual company responses, is available on request from Greenham Common Trust.

Staff Survey

The staff survey shows that three quarters of employees live in the area immediately surrounding Newbury and Thatcham (predominantly postcodes RG7, RG14, RG15, RG17, RG18, RG19, RG20 and RG26). 67% are within ten miles and 25% live within four miles. Some 37% are within a 15 minute drive time of the Park and 42% are within an approximate 30 minute drive time. The great majority of the remainder lives within 31 and 60 minutes away from the park.



Some 82% of employees come to work alone in a car, small numbers car share and insignificant numbers use public transport, motorised two wheelers, cycles or walk. The overwhelming majority of trips to and from the Park are not coordinated with other purposes. More than half approach the Park from the west on the A339 and about 40% approach from the A339 east with about half of those coming from the north along Thornford road.

There are no significant patterns in gender, age structure or type of work.

The morning peak in terms of travel to work is fairly well spread between 7.30 and 9.30 but is concentrated around 8.00, 8.30 and 9.00 starting times. The evening peak is similarly spaced between 16.00 and 18.00 with concentration around the hour and half-hour finish times. This reflects the high percentage of staff on flexible working hours. Around 80% of staff leave the Park during working hours, with the majority of trips being for work (56%), lunch (40%) and shopping (30%).

These findings indicate that there is great potential to influence travel behaviour given the right approach. Most people are dependent at present on cars but nearly three-quarters live within ten miles and a quarter are within four miles. Flexible working hours and the propensity to leave the Park during the day for lunch and shopping trips also open opportunities.

Staff attitudes will be the key and, here, the staff survey shows some encouraging signs that staff are supportive of the idea of a green transport plan and willing to consider change but their perception is that they have little choice but to use their car.

"I support a green travel plan but my work does not permit me to do without a car"

"I would like to do something to help the environment but public transport is just not viable on a daily basis. I would cycle if the road was quiet, safe and the weather better than it is, especially as cycling is my main exercise in summer."

"Car sharing requires regular matched work patterns/viable alternatives in the event of problems."

Staff comments from the survey

Of the reasons given for being dependent on a car, more than 50% of staff stated that they have no alternative.

Although there are few strong patterns, most staff indicate that the changes that would be most likely to persuade them to use public transport would be better, more frequent and cheaper bus services. Convenient drop off points, the provision of bus timetabling information, physical improvements such as well lit and secure bus shelters and a 'bus only' route across the common were also regarded as important.

The changes most likely to persuade staff to cycle to work are improved cycle ways, secure bike parking, cycle changing facilities and lockers and discount bicycles.

More than half are prepared to car share. The factors most likely to influence car sharing are help with finding car share partners, a free taxi ride home if let down by a car share partner, a ride home in an emergency and discounted fuel vouchers.

A full statement of the findings of the staff survey, including some personal views, is available on request from Greenham Common Trust.



Company and Staff Consultation

The emphasis in the consultation with companies has been the benefits which the green transport plan will bring for business. There are many aspects to this issue but the following points are likely to receive support from companies:

- The GTP will promote the most efficient use of land at the Park, minimising the need for parking;
- The GTP will assist in negotiating growth and expansion at the Park, which will benefit all businesses and the local economy;
- Good access and alternative modes of travel will increase the numbers of local people able to apply for positions of employment at the Park and improve recruitment.
- Significant savings can be made on staff travel and car parking costs.
- The Plan will improve the health, safety and environmental credentials of the companies at the Park, a factor which is increasingly important in contracts and customer/client relations, particularly in a European context.

Two examples:

"A business with 50 company cars doing 30mpg and 15,000 business miles per year @ £2.65 per gallon excluding VAT (note: companies can reclaim the VAT) will have a fuel cost of £66,250 per year.

- 1) the introduction of more fuel efficient vehicles could increase average mpg to 40 mpg. The total fuel cost for 15,000 miles @ £2.65 per gallon is £49,690, saving £16,560 per annum.**
- 2) a reduction of the company mileage repayment by 5 pence per mile, would save £37,500 per annum."**

The Benefits of Green Transport Plans - DETR, June 1999.

"Increasingly organisations are starting to exert pressure on suppliers to demonstrate 'green credentials', through ISO 14001 or eco-management and audit scheme accreditation."

Ibid DETR, June 1999



The emphasis in the consultation with staff is on the potential for change in current travel behaviour, the extent to which the Trust can help in this respect and the wider benefits to the community.

Wider Consultation

The Trust also wishes to demonstrate a willingness to work with the West Berkshire Council, Basingstoke and Deane Borough Council, its partner agencies, public transport operators, other stakeholders and the community at large to achieve our common aims of a better environment through more sustainable transport.



A consultation meeting was held in January 2000 when the principles involved in a Green Transport Plan were discussed with employers, staff, community groups and representatives of the West Berkshire Council. The response from the participants was very supportive and helped to shape the first draft of the Plan. The first draft document was then considered by the Trust and its partners and was amended to reflect comments received. A further consultation meeting was held with a wider range of partners including Basingstoke and Deane Borough Council, in September 2000 to consider the second draft. Comments and suggestions made at that meeting have been incorporated into this final version.

In particular, Basingstoke and Deane Borough Council confirmed its support for developing a Green Transport Plan. They noted that the cross boundary travel issue should be addressed, given the proximity of New Greenham Park to Basingstoke and Deane, and the results of the staff and company surveys highlighting a number of present employees on site as residents of the Basingstoke and Deane Borough.

The Trust welcomes further comments and discussion in response to this publication and will continue to involve its partners in the monitoring of progress towards the targets in the plan.

An exemplar for others to follow - policies and measures

The objectives of the New Greenham Park Green Transport Plan are to:

- reduce car dependence at the park both in terms of travel to work and travel in the course of work and by customers and visitors;
- to provide accessibility for all by catering for and facilitating a wide range of transport choice; and,
- to monitor progress and continually improve in these respects.

The Tool Kit

The Trust will adopt a wide range of policies, initiatives and measures, as set out below.

Awareness first

- The Trust will use this plan as a platform for raising company and staff awareness of the issues and will continue its dialogue and consultation, within the Park, with the West Berkshire Council, other agencies and with the wider community.

- The Trust has set a realistic but challenging target in line with the demand management targets set by the West Berkshire Council; the aim will be to reduce car borne traffic by 2% per year up to 2005 (10% overall). The Trust will monitor future progress in relation to this target and each of the supporting targets to ensure that its objectives are met.
- The Trust's target for reducing car dependency requires supporting policies to significantly increase car sharing and increase travel by bus and bicycle five fold by 2005.



Public transport

- In partnership with public transport operators in the area, the Trust will coordinate the provision of public transport information around the Park in a variety of media. Up to date timetables will be available on request and published on the Trust's website.

- The Trust will work with train operators, local bus companies, taxi companies/licencees, West Berkshire Council and Basingstoke and Deane Borough Council, to increase the frequency, reliability and quality of services to the Park. In particular, the Trust will be interested in pursuing partnerships between transport operators such as 'train-bus' and 'train-taxi' services.
- The Trust will enter into discussions with transport operators with a view to establishing peak period shuttle buses from town centres, main residential areas and railway stations.
- Together with companies at the Park, the Trust will work to establish subsidised travel cards and to negotiate discounted public travel tickets for employees.
- The Trust will consider awarding start up subsidies for new and better services, and will in default, investigate running its own bus.
- The Trust will, in consultation with West Berkshire Council and Basingstoke and Deane Borough Council, promote demand responsive bus and taxi services.

Example: Stepping Hill Hospital, Manchester

The Hospital has negotiated a discount with Greater Manchester Travel Cards Limited for its staff. Travel cards are to be discounted further using car parking revenue.

The hospital is also negotiating to develop new bus routes through the site.

Green Transport Plans - Greater Manchester Guide. 1999

A staff travel survey helped Thames Water in Swindon fill up their works buses ... some buses were re-routed to pick up passengers from two residential areas. As a result numbers leapt up. The scheme has also proved popular with workers on the same business park who pay a low fare.

Changing Journeys to work - An Employers Guide to Green Transport Plans. Transport 2000 Trust - 1997

Travel with others

- The Trust will produce a register of accurate employee information of people willing to car share, and details of their route to work, to introduce potential car sharers to each other.
- The Trust will provide a simple protocol/car sharing agreement to deal with such matters as security, punctuality, reliability, sharing of costs, alternate use of cars if applicable, tax implications (no tax paid provided no profit is made) and so on. This will also indicate and publicise how much sharers can save on cost of fuel and wear and tear.
- The Trust will offer gifts and prizes to companies and employees who are first to join or make an impact in the scheme.
- The Trust will guarantee parking spaces in preferential positions to those who car share.
- The Trust will, in cooperation with companies, guarantee a ride home in an emergency.
- The Trust will negotiate with transport operators and taxi companies and investigate the feasibility of a works bus/shared taxi service.



Cycling

- The Trust will encourage cycling to work by installing a range of facilities for the cyclist:
 - Secure, well lit and covered parking facilities;
 - Central changing and shower facilities and lockers;
 - Dedicated cycleways within the Park.
- The Trust will negotiate with the West Berkshire Council to improve cycle ways to and from the Park and a number of other safety improvements such as preferential junction arrangements.
- The Trust will set up a bicycle user group.

- The Trust will, in partnership with companies, arrange interest free loans for the purchase of cycles.
- The Trust will encourage companies to adopt an allowance scheme for business trips by bicycle.
- The Trust will provide a pool of bikes for staff to use on journeys into town or within the Park.
- The Trust will seek to attract a bicycle maintenance company to the Park.

"Forming a bicycle user group, or BUG, helps build interest in cycling and will give cyclists a voice in the company. The group can be invaluable in carrying forward the cycling aspects of a commuter plan. ... Through the group a "buddy scheme" can be established so that new cyclists are paired with more experienced ones for advice on routes, equipment and safety."

Changing Journeys to Work (Ibid) Transport 2000 Trust 1997



Powered two wheelers

- Many of the initiatives for cycling also support powered two wheelers. In addition the Trust will provide secure, well lit and covered parking space for mopeds, scooters and motorcycles.
- The Trust will consider purchasing low powered scooters and protective gear for use on short trips and within the Park.

Walking

- The Trust will work with the West Berkshire Council to ensure that routes to and from bus stops and rail stations and across the Common are pedestrian friendly and suitable for disabled users.
- The Trust will provide information on recommended short and safe routes to work.
- The Trust will ensure that all walkways within the Park are direct, well lit, well signed, attractive and safe.



Cars and Fleet management

- The Trust will encourage and work with employers to produce more environmentally friendly company lease car schemes and will publicise the cost savings and environmental benefits.
- Preferential parking will be provided to staff driving smaller, fuel-efficient cars.
- Companies will be encouraged to work with the Trust to establish a pool car scheme at the park.

Two examples:

"Using small distinctive, well maintained pool vehicles as a means of enhancing an organisation's 'green image' and setting a good example."

"Reduced fuel costs and improved safety standards can be achieved by driver training, an important feature when running a large fleet of vehicles."

Greater Manchester Guide (Ibid)

Car park management

- Whilst there is no shortage of car parking at the Park the Trust will, in discussion with companies, consider introducing car parking controls:
 - Physical restrictions to prevent unlimited parking;
 - Priority parking arrangements for pool cars and sharers;
 - Permits on a points basis supporting the staff who are most car dependent;
 - Charges for the less car dependent;
 - A flat rate annual fee, returnable if alternatives are used.



The Trust is aware that these ideas are controversial. However, the Government's Transport White Paper clearly states that "local authorities will have new tools including road user charging and levies on workplace parking to tackle congestion and pollution." It may be better to prepare early for these controls to ensure that the money raised funds other transport improvements at the Park.

Changing work practices and Technology

- Many of the companies at the Park already operate flexible working hours. The Trust will promote an extension of this approach to all companies and in new ways.
- Companies will be encouraged to operate home working and tele-working experiments. For its part, the Trust will establish a Park 'intranet', inter-active web site and arrangements for video conferencing which will be available to all companies and their employees. The Trust will promote "travel by modem as well as by motor."

Safety improvements

- The Trust will, in cooperation with companies, sponsor advanced driving and motorbike handling courses, cycling proficiency and safety and accident awareness information.
- The Trust will urge all employees to consider, adopt and sign 'safer driving pledges'.

On site facilities

- To reduce journeys to and from the park during working hours, the Trust will improve the range of catering, banking and shopping facilities on site.
- The Trust will work with local retailers to establish a tele-ordering and delivery scheme, such as the waitrose@scheme.

Company culture

- The Trust will work with companies to ensure that directions to visitors are headed by information on how to get to the Park by public transport. Maps will be produced for all companies, and available for customising, showing all rail stations and bus routes with service frequencies and cycling facilities.
- Companies will be encouraged to adopt staff recruitment and induction packages which spell out the Trust's green transport policies and should include information on the benefits to staff and companies of green commuting.
- Companies will be encouraged to promote green commuting and the policies of this plan in their health and safety policies, employment contracts and publicity material.

Has there been a change? - monitoring and reporting

Any plan that involves company and staff time and resources needs to demonstrate its effectiveness.

The Trust will keep each of the policy targets under review in relation to the overall target of reducing car use by 2% per year and develop time series data in relation to car dependency and the use of alternative modes of travel.

The data will be published and will enable effective and reliable comparisons to be made over time. The Trust will continue its dialogue with employers, staff, partners, West Berkshire Council and Basingstoke and Deane Borough Council in monitoring progress in the pursuit of its green transport objectives.





New Greenham Park is owned and managed by Greenham Common Trust, Liberty House, The Enterprise Centre,
New Greenham Park, Newbury, Berkshire RG19 6HW Tel: 01635 817444 Fax: 01635 817555
Email: enquiries@greenham-common-trust.co.uk www.greenham-common-trust.co.uk

Anyone interested in locating at New Greenham Park should contact:

**DREWEATT
NEATE**

Dreweatt Neate
16 - 18 Market Place
Newbury
Berkshire RG14 5AZ
Tel: 01635 263030

FPD Savills
20 Grosvenor Hill
London W1X 0HQ
Tel: 0207 499 8644

FPD savills

APPENDIX C EMPLOYEE QUESTIONNAIRE SURVEY

Greenham Business Park – Staff Travel to Work Survey

- 1. Name.....
- 2. Department.....
- 3. Home postcode.....
- 4. How do you most frequently travel to work? (Choose one - the mode that covers the greatest distance for your typical journey)

<input type="checkbox"/>	Car - on own
<input type="checkbox"/>	Car share – with someone else working at the Garden Centre
<input type="checkbox"/>	Car – dropped off
<input type="checkbox"/>	Bus
<input type="checkbox"/>	Cycle
<input type="checkbox"/>	Walk
<input type="checkbox"/>	Motorbike/scooter
<input type="checkbox"/>	Train, please specify station and connecting mode of travel to work.....
<input type="checkbox"/>	Other, please specify.....

- 5. Do you occasionally use any other mode(s) of travel to work? (Tick one or more)

<input type="checkbox"/>	No other modes used
<input type="checkbox"/>	Car - on own
<input type="checkbox"/>	Car share – with someone else working at the Garden Centre
<input type="checkbox"/>	Car – dropped off
<input type="checkbox"/>	Bus
<input type="checkbox"/>	Cycle
<input type="checkbox"/>	Walk
<input type="checkbox"/>	Motorbike/scooter
<input type="checkbox"/>	Train, please specify station and connecting mode of travel to work.....
<input type="checkbox"/>	Other, please specify.....

- 6. Approximately how far is your journey to work?

<input type="checkbox"/>	Less than 1 mile
<input type="checkbox"/>	1-2 miles
<input type="checkbox"/>	3-5 miles
<input type="checkbox"/>	6-10 miles
<input type="checkbox"/>	11 miles and over

- 7. Approximately how long does your journey to work take you?

<input type="checkbox"/>	Less than 10 minutes
<input type="checkbox"/>	10-20 minutes
<input type="checkbox"/>	20-30 minutes
<input type="checkbox"/>	30-60 minutes
<input type="checkbox"/>	More than 1 hour

- 8. Do you work:

<input type="checkbox"/>	Full Time
<input type="checkbox"/>	Part Time
<input type="checkbox"/>	Seasonal Worker

Please only complete questions 9–13 below if you ticked “car on own” in Question 4. Otherwise please jump to Question 14.

9. What is the main reason you choose to travel by car? (only tick one)

- Personal responsibilities
- Parking provided
- Public transport not available/unrealistic
- Lack of walking or cycling infrastructure
- Mobility difficulties
- Car required for business trips
- Other, please state.....

10. Which, if any of the following, would encourage you to car share?

- Help in finding car share partners
- Matching working hours with a car share partner
- Reserved car parking spaces
- Guaranteed lift home in an emergency
- Pool cars for attending other Haskins sites, meetings etc
- Other, please state
- None of the above

11. Which, if any of the following, would encourage you to use public transport?

- Discounts/loans for season ticket purchase
- Easy to use timetable information
- Real time information
- Change to working hours to fit in with bus timetable
- Guaranteed lift home in an emergency
- Pool cars for attending other Haskins sites, meetings etc
- Better quality waiting facilities
- Other, please state
- None of the above

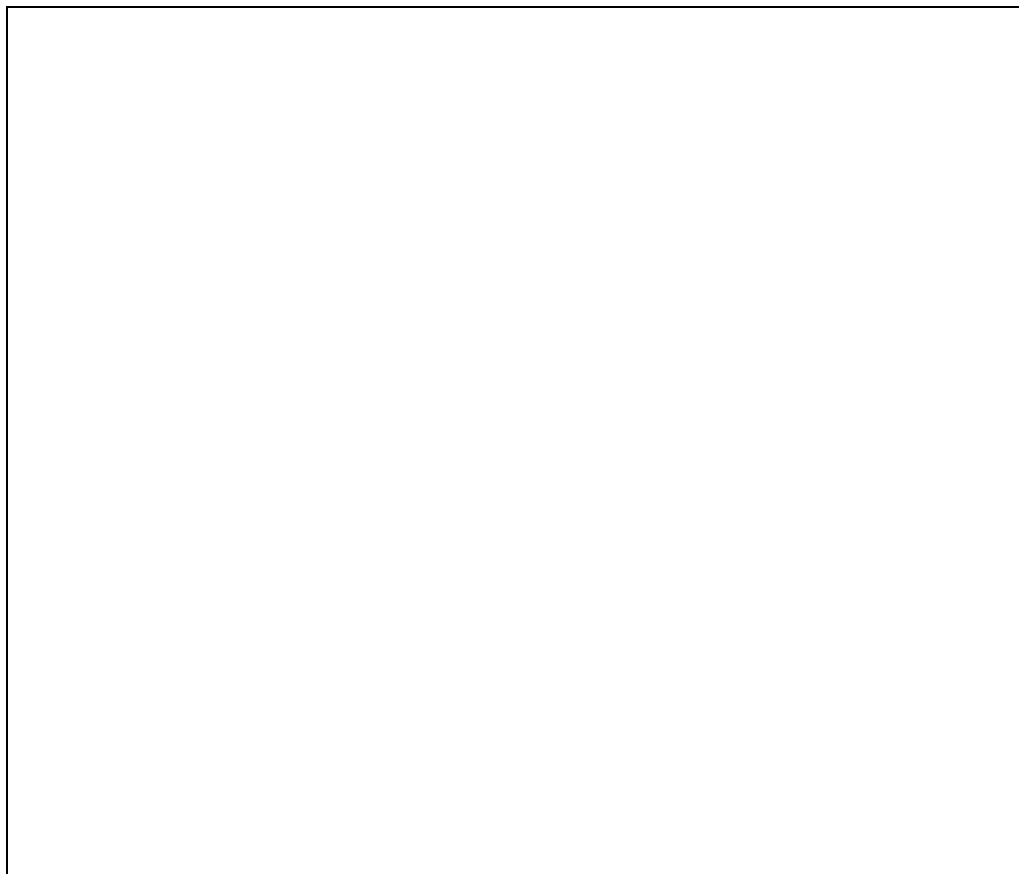
12. Which, if any of the following, would encourage you to walk to work?

- A ‘walking buddy’
- Better street lighting
- Improved on-site showers and changing facilities
- Improved pavements and paths
- Staff lockers
- Other, please state.....
- None of the above

13. Which, if any of the following, would encourage you to cycle to work?

- Improved on-site showers and changing facilities
- Improved on-site cycle parking
- Provision of cycle maps
- Cycle training
- Discounts/loans for purchase of bikes
- A ‘cycle buddy’
- Other, please state.....
- None of the above

14. Please make any other suggestions or comments regarding travel below. Thank you for your time.

A large, empty rectangular box with a thin black border, intended for the respondent to provide suggestions or comments regarding travel.



E enquiries@i-transport.co.uk

W www.i-transport.co.uk

Grove House, Lutyens Close
Chineham Court, Basingstoke
Hampshire RG24 8AG

T 01256 338 640

F 01256 338 644

Centurion House
129 Deansgate
Manchester M3 3WR

T 0161 830 2172

F 0161 830 2173

4 Lombard Street
London
EC3V 9HD

T 020 7190 2820

F 020 7190 2821

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Appendix F Greenham Business Park - Existing floorspace as at 2017

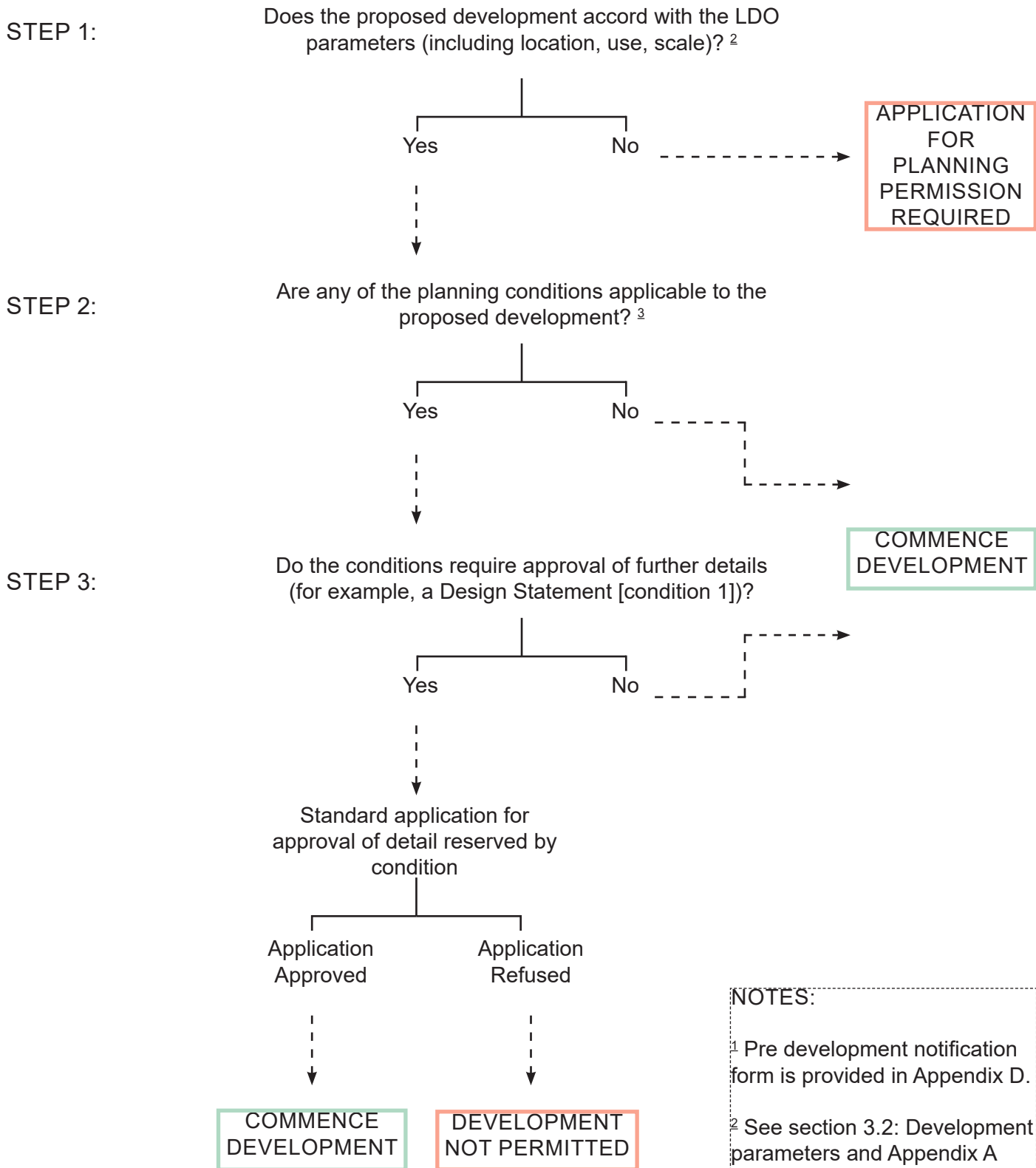
Use	Existing (Sqm)
A1 – Shops	-
A3 – Restaurant and cafe	108.70
A5 – Hot Food Takeaway	-
B1a – Offices	3,068.40
B1b – Research and Development	4,893.39
B1c – Light Industry	1,993.05
B2 – General Industrial	27,380.19
B8 – Storage and Distribution	13,257.72
D1 – Non-Residential Institutions	478.45
D2 – Assembly and Leisure	3,174.22
Car Showroom	4,052.99
Data Centre	8,361.27
Sui Generis	951.14
Other	13.94
Total	67,733.46

Note: Existing floorspace excludes the listed buildings, which are outside of the LDO area - Building 274 (1,714.90sqm Offices) and Building 273 (333.71sqm B8 Storage).

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APPENDIX G: DIAGRAMMATIC SUMMARY OF LDO

Following receipt of a valid pre-development notification. ¹



NOTES:

¹ Pre development notification form is provided in Appendix D.

² See section 3.2: Development parameters and Appendix A (LDO Plans).

³ See Appendix B for the planning conditions.

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Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To adopt the Greenham Business Park Local Development Order.
Summary of relevant legislation:	Section 38 of the Town and Country Planning DMPO of 2015.
Does the proposed decision conflict with any of the Council's key strategy priorities?	No.
Name of assessor:	Michael Butler
Date of assessment:	25/10/18

Is this a:		Is this:	
Policy	Yes	New or proposed	Yes
Strategy	Yes	Already exists and is being reviewed	No
Function	No	Is changing	N/a
Service	No		

1. What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To enhance economic development in the District To control future development at GBP to acceptable levels. To expedite planning decisions in regards to new commercial schemes at GBP.
Objectives:	As above.
Outcomes:	Improvement of commercial development at GBP with expedited planning decisions. Future increase in Business Rates.
Benefits:	Improved economy for the District, with more job opportunities. The LDO will deal with planning issues at the Park in a comprehensive and coordinated fashion, so giving greater future certainty to stakeholders.

<p>2. Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</p> <p>(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)</p>
--

Group Affected	What might be the effect?	Information to support this
Age	Nil	Experience and knowledge of the assessor in the LDO and the impacts on the surrounds. The LDO to be adopted with the associated background reports in support of the LDO. In addition the LDO covers an existing business park on which new commercial schemes will have little noticeable impact on adjacent residents and park users.
Disability	New buildings will need to be accessible for all.	Legislation outside planning control will ensure this .
Gender Reassignment	Nil	Ditto
Marriage and Civil Partnership	Nil	Ditto
Pregnancy and Maternity	Nil	Ditto
Race	Nil	Ditto
Religion or Belief	Nil	Ditto
Sex	Nil	Ditto
Sexual Orientation	Nil	Ditto
Further Comments relating to the item:		
Whilst the LDO will create new jobs at GBP over time, it does not involve itself with [for example] job creation policies/ strategies which might have an impact on equalities. The Design Guidance however does specifically reference the Equality Act of 2010, under the heading “access for all”.		

3. Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: the provision of new employment generating space in itself bears no relationship to equalities ie it is neutral whether a potentially new person employed will be eg disabled or not.	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: The LDO does not permit a level	

of development over and above that already permitted in the extant outline consent and the reserved matters consents at the GBP area. Accordingly it is considered that no additional adverse impacts over and above that already approved by the Council will occur, in terms of eg traffic and noise.

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4. Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	N/a
Timescale for Stage Two assessment:	N/a

Name: Michael Butler

Date: 25th October 2018 .

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

**Response of Council officers to objections / comments on LDO. First consultation round.
Appendix 3 of Council Report 6 December 2018.**

Consider that there should be a net gain in biodiversity from new development permitted by the LDO - this is unfeasible, given it is an existing brown field site. New planning applications if submitted in the Park would not necessarily meet this test in any event. In addition saved policy ECON6 does not require this. In addition the Trust in conjunction with the Council have significantly enhanced biodiversity on the Common to the north, which will not be impacted by the LDO designation.

The statement of reasons do not stand up to scrutiny. Noted. These have been subsequently revised to provide a more robust basis for the LDO. The Council is seeking, in accord with both National and Local Policy Advice, to improve local job prospects at an existing recognised major / strategic Business Park in accord with the advice in para 51 in the NPPF.

The adoption of the LDO should be deferred in order for more traffic modelling to be undertaken to assess the capacity of the highway network particularly on the A339 corridor. Noted. By their very nature planning commitments vary over time [every month potentially] so such modelling by its nature is variable in outputs. In addition the LDO does NOT go beyond the already permitted floor space set out in 145585 [the outline permission] and subsequent 155587, which could be implemented without the LDO. The Council imposed highways mitigation measures via the s106 obligation in that permission so the Council cannot revisit those measures now in the LDO. Finally all new commitments post 1997 would/should have taken into account the above outline permission in traffic modelling. It is noted in addition that both the Council highways officer and HCC are not objecting to the LDO on this basis.

A number of objectors consider that there should be a review period i.e. 25 years is too long – Noted. The LDO period is now reduced to 15 years. If the Council proposed to extend the LDO beyond this period it would be subject to a new full consultation round and adoption by the Council.

Other objections relate to the defined boundary of the LDO - this has been looked at carefully and takes into account the defined boundary under policy ECON6 and hence CS9 plus any extant permissions but specifically excludes e.g. SSSIs. It is clear that any existing landscaped areas in the boundary cannot be built upon in the LDO. Natural England's objection has been removed on this matter following clarification.

Some objectors consider that the range of conditions in Appendix 2 are not sufficient to protect local amenity. It is correct that by their very nature any development permitted by an LDO will be "light touch", and so [for example] in comparing the extensive range of conditions applied in the Pro Logis appeal decision [08/00349/comind] some will not be applied in the LDO, but this is the fundamental point of the LDO. The Council does have other powers of course to control harm to amenity. Additional conditions especially re noise have however been added into the LDO.

Building heights are excessive particularly to the north - this has been carefully considered by officers, informed by the updated Landscape Visual Appraisal. The heights have had regard to the extant Prologis permission on the 128m AOD maximum set by the Inspector and the EPC factory already permitted on the north boundary. In addition the design guide makes provision for suitable visual gaps to be retained between buildings in the northern zone which is the most sensitive area / zone. The bund to the north is to be retained and this was a requirement of the original permission in any event. There is a need to be flexible in addition for prospective new business occupiers in the Park area.

However further changes have been made to the height zones in the plateau area and below in relation to the former 16m height zone—see amended plans for more detail. This now reflects in better detail the existing topography of the site. In addition the original LVIA for the LDO has been reconsidered by an independent assessor who is satisfied that the LVIA evidence base is acceptable.

The LDO will grant planning powers to an unelected body. This is incorrect since the LDO is a Council document - the Trust cannot produce one unilaterally as they are not a planning authority. The Council is an elected body.

Landscaping should be enhanced around the Park boundary. Noted, but it is considered that the level of existing natural landscaping around the LDO area is already very effective. In addition the design guide makes provision for further landscaping where appropriate.

Smells, noise and lighting will not be adequately controlled. The Council has strengthened the previous conditions to the LDO in order to protect future amenity.

The LDO has inaccurate information. Not agreed. The original draft had some minor discrepancies but these have all been corrected particularly in regard to the detailed planning history on the site. The Council is satisfied that all the information upon which the technical reports have been based is acceptable and accurate.

The LDO is wrong in principle and not necessary. Not accepted. The Council has made a justifiable decision as encouraged in both the Development Plan and the NPPF to assist the local economy through its planning function. [e.g. see para 51 in the NPPF of 2018]. Planning legislation clearly allows for LDOs to be promulgated by Councils to achieve economic benefits. In addition GBP is the premier Employment Park in the District and already serves a very valuable function in the District economy.

The LDO is too far ranging. Agreed [in part]. Most of the uses proposed either already exist on the Park or are already permitted in the outline permission. The only other “new” uses such as A1 will be largely ancillary. It has been agreed that the proposed hotel use be deleted from the LDO in recognition of this objection however. In addition some of the possible waste operations that could have been permitted under Class B2 are now excluded from the LDO parameters.

Wildlife appears to be more protected than humans. Noted. The Council has a statutory responsibility under the principal 1981 Wildlife and Countryside Act [et al] to fully protect and conserve wildlife, protected species particularly where areas about SSSIs as does the LDO. It is not accepted however that local amenity will be impinged upon relative to wildlife given the conditions noted in the LDO.

Control over night time operations. Many of the present uses on the Park currently do not have such controls - the business park is a 24/7 operation by definition, and so to apply such controls under the LDO would not provide the required flexibility to attract businesses to the site. See above in respect of local amenity and noise, however. Hours of operation are controlled for demolition and construction activities however via condition. It is notable that the extant planning permission has none of these controls applied by condition.

Design guidance should be improved. This guidance has been carefully prepared by officers in conjunction with the Trust to ensure the right balance is achieved in enabling an attractive physical form to be created in the Park area. In addition the Council commissioned an independent critique of the supporting LVIA to the LDO, which specifies changes to the design guide which have been duly made. See also the reduced height parameters above.

No replacement Arts Centre promoted in the LDO. Noted. However a new arts centre is currently being constructed on the GBP site .This will obviously improve local social / arts facilities and will increase local employment potential in the Park.

The Trust has been allowed to write the document itself. Not agreed. Whilst the Trust has had an active involvement in the LDO for obvious reasons, the Council at all times has retained full control of the document, and has prepared it in the spirit of partnership working as espoused in the NPPF. In addition full public consultation has occurred under the statutory planning regime.

The Common needs to be more protected. No part of the LDO designation covers the Common nor should it. The clear defined northern boundary will be retained and maintained by the Trust. It is accepted that there may be some visual impact arising from new building on the northern plateau but a) this already occurs and b) under extant permissions such an impact is inevitable, if implemented. For clarification the whole of the Common has been returned to public ownership [ie the Council] and is currently managed by BBOWT.

Fails to meet adopted planning policies. Not accepted. Both saved policy ECON 6 and adopted policy CS9 in the WB Local Plan 2006 to 2026, makes it clear that all of the employment generating uses identified in the LDO are acceptable. Where such uses may not have accorded with the Development Plan [e.g. hotels by virtue of the sequential test set out in the NPPF] these are now excluded. In addition detailed points set out in relation to policy definitions have been revisited in the LDO and altered accordingly to improve internal consistency in wording.

Zoning of uses should be revised to protect existing occupiers. Noted but not agreed. The LDO specifically controls uses such as B2 in the eastern edge of the Park in order to protect the few dwellings which lie to the east of the LDO area. For those dwellings lying to the south of the A339 the distance involved is considered acceptable in regard to potential amenity impacts.

Demolition impacts should be controlled. This has been noted and is now identified in the conditions process i.e. agreed.

Lessons of the last 20 years have not been taken into account. Not accepted. Since the 1997 permission the equivalent of 40% of the possible floor space in the Park has been implemented. This is a slow rate of development and is the primary reason for the LDO to be set out. It is accepted that in some cases the long planning process has caused some potential developers to not invest in GBP but go elsewhere.

Finally the Council is not abdicating its planning powers for two reasons - firstly the LDO has a whole range of controls in place, and secondly the LDO can be revoked at any time by the Council, if necessary [without prejudice] without agreement with the Trust.

The LDO should be withdrawn. To do so would mean an opportunity to assist the local economy in the District [and beyond in the Travel to Work area] would be missed. In addition the Council is envisaging the promotion of more LDOs in the District in the future so to withdraw this one with no good reason to do so would be perverse. In addition para 51 in the new NPPF actively encourages Local Planning Authorities to adopt LDOs where possible.

The setting of the listed buildings needs to be carefully respected. Noted. Firstly the LDO does not include the listed buildings [legislation does not allow for this] and secondly the design guidance includes advice that will ensure this visual setting is fully respected. The setting of the listed buildings

to the west has been taken into full account as well. This was noted in the response to the Historic England concerns. No change required.

Appendix 4

Council officers response to representations received from second round of consultation. Council Report 6 December 2018.

1 **Thames Water.** Propose a condition about water infrastructure be inserted into the LDO.
Response –agreed to the extent that an informative to this effect can be included in Appendix B.

2—**MCHLG, Historic England, Highways England, the EA and HCC** –no objections. Accordingly no further action is required.

3— **BBOWT.** An increase in biodiversity is required on the LDO site.

Response--The extant planning permission does not require such a net gain nor does the extant policy over the GBP area. There has already been significant planning ecological gain achieved on the Common. In addition the Design guidance as amended will assist local biodiversity. Para 170 [d] in the NPPF does seek this but see s188 of the 2008 Planning Act.

A new condition is required regarding light sensitive boundaries to be extended around the whole of the GBP boundary.

Response –this is not accepted since for example street lighting is still required on the south boundary adjacent the A339.

Reptile surveys should include areas outside those of existing ecological importance which may in the future become acceptable for reptile habitats.

Response. This relates to condition 4 in Appendix B. This is considered too onerous in the context of the LDO.

A CEMP is required as a condition in Appendix B.

Response. Officers consider that the ecological conditions already set out in Appendix B are sufficient to address any future ecological impacts on the GBP. In addition a CEMP is required for each development [condition 12].

4—**Natural England.** Require a CEMP condition on the grounds that vehicles may encroach onto the adjacent SSSI ie the Common.

Response—This is physically not possible as no part of the LDO designation lies on the Common, and in any event it would be nonsensical to route vehicles here. Not accepted. However condition 12 in Appendix B does relate to a CEMP.

5—Planning policy.

Why does the LDO designation not follow the Policy ECON6 line on the LP proposal map?

Response—Policy ECON 6 was based upon the red line application site area for the original pp in 1997. The LDO boundary serves a different purpose and in updating the boundary excludes [for example] the listed buildings as it is required to do. It also excludes land that will not be developed upon—but may still be owned by the Trust—which of course is irrelevant in planning terms. There is thus no need for the LDO boundary to be consistent with the ECON6 boundary and so CS9.

How will the new schemes that are approved be monitored over time?

Response--The monitoring point is well made. Each notification will be registered and suffixed with a number by Registration and a floor space figure will be noted. The specific use class is also identified. This will have to be monitored in the normal way through the employment AMR.

Concerned that the LDO does not conform entirely to the extant Development Plan base in terms of ECON6 and CS9.

Response. The Planning Act of 2004 removes the need for LDOs to precisely achieve such policies on the ground. However officers consider the LDO does largely replicate the thrust of ECON6 and CS9.

A number of detailed comments made which have been examined and incorporated into the LDO text where appropriate.

6—Greenham Parish Council. Mainly objecting on traffic grounds.

Response—the point noted but the lack of objection from HCC and WBDC highways is recognised. In addition the LDO has a cap on floor space which is that permitted under the outline permission 145585.

Can LED technology be used in eg lighting as a condition?

Response--Specific LED technology not reasonable as a planning condition. Condition 1 in the design guidance will assist in controlling lighting. In addition the LDO will apply a lighting condition 10 as well in Appendix B.

Other requests relate to conditions being unreasonable as per the NPPF tests.

Can a park and ride be proposed in the LDO?

Response—whilst this may be looked at in another context, it is not the function or purpose of the LDO to identify such facilities.

The location of the site is not sustainable.

Response-- Accepted in purely locational terms, but the re use of the Park as a brown field site for the employment uses noted is highly sustainable and encouraged in the NPPF .

BREEAM excellent has been deleted from the LDO as a condition .Should be retained.

Response. Notwithstanding the remit of policy CS15 in the WBCS, it is considered that the very good standard is sufficient on the site, given that many of the “points” achievable in BREEAM depend upon location which cannot be altered for the GBP.

The travel plan is woefully inadequate for the Park and should be improved given its poor location in terms of accessibility.

Response. Noted. However it is not considered that the prime purpose of the LDO is to enhance accessibility, and indeed the policy position and the extant planning permission do not require such travel plans.

7—Kingsclere Parish Council.

Concerned about the increased impact of traffic on the A339 which will affect the parish to its detriment .Other significant developments in Basingstoke will also impact the A339 corridor. Cross border working should be taken into account in the production of the LDO.

Response. Noted, but the LDO is not the means to address this given that the LDO does not involve any increase in floor space above the original outline permission. In addition HCC as highway authority has not objected to the LDO.

8—Local residents. [3 Number].

Will existing development be able to re-apply under the new LDO and so remove existing conditions on eg working hours?

Response—No. The LDO designation does not remove other planning legislation. So an application to relax conditions will still need to be made under s73, s73A or s96A of the Principal Act of 1990.

The LDO text will be amended to reflect this point.

Should mezzanine floors be controlled by condition?

Response—whilst a good suggestion in principle, since the 1990 Act does not take such internal additions within the meaning of development, this cannot be controlled by condition.

Standard conditions regarding noise, lighting and odour control should be more rigorous in order to protect local amenity

Response—accepted. Appendix B has been further revised to reflect these points, and also includes contaminated land.

Should the LDO control demolition?

Response –it is not possible to control the demolition of commercial non listed buildings not in a conservation area via condition as this does not comprise development. However the proposed CEMP condition will manage the impacts of demolition.

The history of the base should show that far more community benefits should arise, in terms of the public expenditure which has gone on over the past years.

Response The point is not entirely understood. It is the case that the Trust as a Charity has given significant donations to local communities over the 21 years since its inception. Not relevant to the LDO designation however. Is it not a planning issue.

Why is some land outside the LDO designation but still provides a valid purpose in eg landscaping?

Response--all land outside the LDO, but within the Trust ownership will be subject to normal planning controls. Is such land has a normal level of planning control that if it were inside the LDO—hence the point of the objector is not well made.

The LDO will cause potentially more visual harm particularly on the north plateau given the building heights permitted.

Response -- It is possible that new building will eventually have a greater visual impact on the Common than [eg] the extant Pro Logis planning permission. This however is the ultimate point of the Council in adopting the LDO. ie the NPPF of 2018 in para 51 notes that LDOs can still be adopted where the impacts will be acceptable ie it accepts that impacts will occur. The Council must provide a planning balance in the issue.

The Heritage statement should be amended to note the Victorian date of the dwelling Goldfinch Hollow.

Response. This is an error and it will be corrected. There is no material consequence for the LDO.

Landscaping on LDO boundaries should be protected via condition.

Response—the Design Guide is considered to provide adequate protection for local amenity.

The LDO removes the rights of local residents to object to developments at the Park in the future, and it does not contain adequate substitutes for such protection.

Response. Noted. The LDO by its very nature is a streamlined planning process which does in effect remove the potential for comments to be made via an application. However the range of conditions and the limitations set out in the LDO thresholds, plus the design guidance are all taken to be sufficient to protect local amenity in this regard. The LDO is made in the context of an extant planning permission across the whole site for employment development as well.

The Council is providing lip service to objectors concerns.

Response. Not accepted. The Council has undertaken 2 rounds of public consultation in 2018, and has taken on board many of the views of correspondents. It is concluded that the LDO is a well conceived and robust planning document which will serve not only the Trust and District well, but will protect local residents in addition. A number of conditions have been revised to respect the above amenity position as well.

9—Councillor Macro.

Considers that the total amount of potential floor space in B8 in the permitted use tables should be restricted, since the HGV impact on the local network would be severe otherwise.

Response. This is accepted. A cap of 76,000m² will be placed in the relevant table.

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Council Response to Garden Waste Petition

Committee considering report:	Council on 6 December 2018
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	8 November 2018
Report Author:	Jackie Ward
Forward Plan Ref:	C3669

1. Purpose of the Report

- 1.1 To respond to the Garden Waste petition containing 6,854 signatures submitted to the Council on 18 October 2018, which states;

‘Do not charge residents to recycle! Scrap the £50 charge! This charge comes as an additional separate payment on top of council tax, and is optional. Recycling is an essential service and should not be charged additionally - it is not a hobby for the wealthy. Less economically fortunate residents should not be trapped out of recycling their garden waste. Further to this, there are concerns disabled and elderly residents will not be able to take recycling to a waste facility as an alternative. We are at an environmental tipping point, everyone needs to be able to play their part in protecting the environment. We need to maintain and improve recycling rates not risk lowering them! Nearly 85% of respondents to consultation oppose the £50 charge. We do not support this charge, or the damage it could do to our environment. I urge you, West Berkshire Council, to scrap the £50 charge immediately!’

2. Recommendation

- 2.1 In light of the significant financial and resource implications that result from the proposal in the petition, the recommendation is that Council reject the proposal and continue charging for the garden waste collection service.

3. Implications

- 3.1 **Financial:** There would be a loss of income to the Council. Removing the charge at this stage would mean, that to balance the budget, savings of £900,000 per year would need to be found from other services.

The Council has incurred costs to manage the introduction of the charges and these have been accounted for in arriving at the £900,000 expected annual saving position.

Reinstatement of the free service would incur additional costs the value of which are unknown at this stage.

- 3.2 **Policy:** The Council took the decision to implement these charges following a public consultation which took place over a period of 6 weeks. The original consultation exercise

identified a number of potential issues, including:

- (a) Affordability / impact of the proposal on poorer households
- (b) Principle of charging
- (c) Reduction in recycling
- (d) Impact on the elderly
- (e) Impact on people with disabilities

The petition does not therefore raise any new issues beyond those which have previously been identified. All of the issues detailed in the petition were therefore clearly considered by the Council when it took the decision to implement the charge.

Reinstating the free service would require a further public consultation to identify the associated risks and how the savings would be replaced.

3.3 **Personnel:** None

3.4 **Legal:** The Council resolved to implement these charges following a public consultation exercise. This decision was taken in an open and transparent manner having regard to all relevant information. The decision of Council to implement this charge was both reasonable in the circumstances and lawful.

3.5 **Risk Management:** As described in this report.

3.6 **Property:** None

3.7 **Other:** None

4. Other options considered

4.1 Where a Council debate is triggered by a Petition, the Council has 3 options. It may decide to:

- (1) Take the action the petition suggests
- (2) Not take the action requested
- (3) Commission a further investigation into the matter.

4.2 Option 2 is recommended for the reasons detailed in the report.

Executive Summary

5. Introduction / Background

- 5.1 A public consultation took place from 27 November 2017 until 10 January 2018. The Council received 777 responses (including 37 incomplete replies). Of those that responded, 643 were opposed to the proposal.
- 5.2 The consultation responses helped to inform the recommendation which was considered at the meeting of Council which took place on 1 March 2018. At that meeting, the Council resolved to implement the charge for the collection of garden waste as part of its Revenue Budget. The recommendation to approve the recommendation was resolved; 31 for the motion, 1 against the motion and 0 abstained. No amendment was proposed to maintain the service free of charge.
- 5.3 The Council introduced a charge for the collection of garden waste from 3 September 2018. Over 26,000 subscriptions have been received so far.
- 5.4 In responding to the petition these are the major items which should be considered, the detail of which can be found in Appendix C Supporting Information:
- (1) The Council decision including the public consultation and the equality impact assessment.
 - (2) The financial implications and the costs incurred.
 - (3) The current subscribers, including the administration to make refunds
 - (4) Impact on non-subscribers
 - (5) Reinstating the free service would require further work to identify the associated risks.

6. Proposals

- 6.1 In light of the financial implications associated with a decision to take the action requested by the Petition, a further public consultation would be required before such a decision could be made. The Council cannot therefore lawfully resolve to immediately take the action the petition suggests.
- 6.2 The Council undertook a full public consultation prior to taking an informed decision to implement charges for the Garden Waste Collection Service. The Stage 2 Equality Impact Assessment identified a number of potential impacts that would arise from that decision, and as a result, the Council identified mitigation and determined to monitor those impacts following the introduction of the service. That monitoring is ongoing and a further investigation relating to this matter is not therefore considered to be necessary.
- 6.3 It is recommended that Council reject the proposal in the petition for the reasons outlined in this report.

7. Conclusion

- 7.1 In light of the significant financial and resource implications that result from the proposal in the petition, the recommendation is that Council reject the proposal and continue charging for the garden waste collection service.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – Original Stage Two Equality Impact Assessment (EqIA 2)

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Economy and Environment
Service:	Transport and Countryside
Team:	Waste
Lead Officer:	Jackie Ward
Title of Project/System:	Garden Waste Service
Date of Assessment:	An assessment is not required as the process was already in place prior to the introduction of the GDPR.

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<input type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To respond the petition considering the garden waste collection service.		
Summary of relevant legislation:	Charging for Garden Waste collection is allowed under the Controlled Waste (England and Wales) Regulations 2012.		
Does the proposed decision conflict with any of the Council's key strategy priorities?	Yes		
Name of assessor:	Jackie Ward		
Date of assessment:	5 November 2018		
Is this a:	Is this:		
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	No
Service	Yes		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?

Aims:	To respond to the petition regarding the garden waste collection service.
Objectives:	To consider the petition in line with the procedures set out in the Council Consultation Part 13 Codes and Protocols Appendix C.
Outcomes:	To make a decision regarding the proposal in the petition.
Benefits:	

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.
 (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Age	None	
Disability	None	
Gender Reassignment	None	

Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Sex	None	
Sexual Orientation	None	
Further Comments relating to the item:		
There is no evidence at this stage to indicate that there will be a greater impact on one group than on any other.		
3 Result		
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?		No
Please provide an explanation for your answer: There is no evidence at this stage to indicate that there will be a greater impact on one group than on any other. The Council would be required to undertake a further public consultation exercise and therefore a further stage 1 assessment prior to taking any decision to make the garden waste collection service a free service.		
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?		No
Please provide an explanation for your answer: There is no evidence at this stage to indicate that there will be a greater impact on one group than on any other.		

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Jackie Ward

Date: 5 November 2018

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

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Council Response to Garden Waste Petition – Supporting Information

1. Introduction/Background

- 1.1 A petition containing 6,854 signatures was submitted to the Council on 18 October 2018 which states;
- ‘Do not charge residents to recycle! Scrap the £50 charge! This charge comes as an additional separate payment on top of council tax, and is optional. Recycling is an essential service and should not be charged additionally - it is not a hobby for the wealthy. Less economically fortunate residents should not be trapped out of recycling their garden waste. Further to this, there are concerns disabled and elderly residents will not be able to take recycling to a waste facility as an alternative. We are at an environmental tipping point, everyone needs to be able to play their part in protecting the environment. We need to maintain and improve recycling rates not risk lowering them! Nearly 85% of respondents to consultation oppose the £50 charge. We do not support this charge, or the damage it could do to our environment. I urge you, West Berkshire Council, to scrap the £50 charge immediately!’
- 1.2 A public consultation took place from 27 November 2017 until 10 January 2018. The Council received 777 responses (including 37 incomplete replies). Of those that responded, 643 were opposed to the proposal.
- 1.3 The consultation responses helped to inform the recommendation which was considered at the meeting of Council which took place on 1 March 2018. At that meeting, the Council resolved to implement the charge for the collection of garden waste as part of its Revenue Budget. The recommendation to approve the recommendation was resolved; 31 for the motion, 1 against the motion and 0 abstained. An amendment was proposed but was not seconded; to reduce the proposed green waste collection service from £50 per household to £25 per household for 2018/19 to assist residents with the transition. No amendment was proposed to maintain the service free of charge.
- 1.4 The Council introduced a charge for the collection of garden waste from 3 September 2018. Over 26,000 subscriptions have been received so far.

2. Supporting Information

- 2.1 In responding to the petition the following information should be considered:
- (1) The Council decision – The Council resolved to implement these charges following a public consultation exercise. This decision was taken in an open and transparent manner having regard to all relevant information. The decision of Council to implement this charge was both reasonable in the circumstances and lawful.

- (2) Public consultation – The Council took the decision to implement these charges following a public consultation which took place over a period of 6 weeks. The original consultation exercise identified a number of potential issues, including:
- (a) Affordability / impact of the proposal on poorer households
 - (b) Principle of charging
 - (c) Reduction in recycling
 - (d) Impact on the elderly
 - (e) Impact on people with disabilities

The petition does not therefore raise any new issues beyond those which have previously been identified. All of the issues detailed in the petition were therefore clearly considered by the Council when it took the decision to implement the charge.

The Council would be required to undertake a further public consultation exercise prior to taking any decision to make the garden waste collection service a free service.

- (3) Equality Impact Assessment. The petition references three specific groups; those of low income, those with a disability and the elderly. As part of the decision making process, the equality impact assessment acknowledged that these groups may be impacted by the charge and Council undertook to monitor the impact of the proposals on these groups. The Council also identified a number of steps that could be taken to mitigate potential adverse impacts such as home composting, community composting and making use of shared bins. Officers are monitoring the impact of the service with respect to elderly/disabled residents and will if required bring the decision back for further review. The original Equality Impact Assessment is at Appendix D of this report.
- (4) The financial implications. There would be a loss of income to the Council. Removing the charge at this stage would mean, that to balance the budget, savings of £900,000 per year would need to be found from other services. If this saving was to be found from the waste budget it may mean a major change to a waste service. Charging for the collection of garden waste is a means to preserving rather than reducing a waste service.
- (5) The costs incurred. The Council has incurred costs to manage the introduction of the charges and these have been accounted for in arriving at the £900,000 expected annual saving position.
- (6) The current subscribers. Over 26,000 subscriptions have been received for the service. These households have been willing to pay for the service and have been using the service for two months. These subscribers have taken time to organise and pay for their garden waste service.
- (7) Administration to refund subscribers. Removing the charge immediately would result in time and cost in refunding all monies received. There would be

additional costs in the promotion of this change and the repayment process which are unknown at this stage.

- (8) Impact on non-subscribers. Some households who decided not to subscribe may have made other arrangements to dispose of their garden waste. For example purchasing home composters or making additional trips to the household waste recycling centre. Following instruction from the Council they may be using the green bin for something else, such as storage or making it into a water butt, so the Council would need to consider replacing bins and the financial implications of this.
 - (9) Reduction of the recycling rate. Any change to waste collection service comes with the risk that the recycling rate may be reduced and landfill increased, generating further financial implications. A change such as this could reduce the recycling rate as householders become wary of the services. To provide effective recycling services it is important to provide consistent services and clear messages about how to use them.
 - (10) Renegotiation of the contracted service. The waste contractor has committed resources to managing the service implications of charging. If the decision to implement charges was reversed, the contractor may seek compensation for any abortive costs associated with this change.
 - (11) Reinstating the free service. There would be additional costs and resource requirements to reinstate the free service which are unknown at this stage. There is no revenue budget available for these costs. The risks associated with reinstated the free service are not known at this stage and further work would be required.
- 2.2 Having considered all the above, officers recommend that Council reject the proposal detailed in the petition.

3. Options for Consideration

- 3.1 Where a Council debate is triggered by a Petition, the Council has 3 options. It may decide to:
- (1) Take the action the petition suggests
 - (2) Not take the action requested
 - (3) Commission a further investigation into the matter.
- 3.2 In light of the financial implications associated with a decision to take the action requested by the Petition, a further public consultation would be required before such a decision could be made. The Council cannot therefore lawfully resolve to immediately take the action the petition suggests.
- 3.3 The Council undertook a full public consultation prior to taking an informed decision to implement charges for the Garden Waste Collection Service. The Stage 2 Equality Impact Assessment identified a number of potential impacts that would arise from that decision, and as a result, the Council identified mitigation and determined to monitor those impacts following the introduction of the service. That

monitoring is ongoing and a further investigation relating to this matter is not therefore considered to be necessary.

- 3.4 The risks associated with taking the action proposed in the petition, including how the savings would be replaced, are not fully understood therefore a further public consultation would be required before the decision could be made to reinstate a free garden waste collection service.
- 3.5 It is therefore recommended that Council proceed with Option 2 and reject the proposal in the petition for the reasons outlined in this report.

4. Conclusion

- 4.1 In light of the significant financial and resource implications that result from the proposal in the petition, it is recommended that Council reject the proposal and continue charging for the garden waste collection service.

5. Consultation and Engagement

- 5.1 The following officers have been consulted; John Ashworth, Andy Walker, John North, Sarah Clarke, Mark Edwards, Jenny Lyons, Lisa Selby.

Background Papers:

Council Meeting 1 March 2018 agenda, reports pack and minutes

Consultation - Budget Proposal 2018/19: Garden Waste Collection Service

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval



Officer details:

Name: Jackie Ward
Job Title: Waste Manager
Tel No: 01635 519216
E-mail Address: jackie.ward@westberks.gov.uk

Appendix D

Original Stage Two Equality Impact Assessment (EqIA 2)

What is the proposed decision?	To charge an annual subscription of around £50 per household for the collection of garden waste in 2018.
Summary of relevant legislation	Charging for Garden Waste collection is allowed under the Controlled Waste (England and Wales) Regulations 2012.
Does the proposed decision conflict with any of the council's key strategic priorities?	No
Name of budget holder	Jackie Ward
Name of assessor	Jackie Ward
Name of Service and Directorate	Transport and Countryside, Economy and Environment
Date of assessment	16 January 2018
Version and release date (if applicable)	V2 31 January 2018
Date EqIA 1 completed	15 November 2017

Step One – Scoping the Equality Impact Assessment

1. What data, research and other evidence or information is available which will be relevant to this EqIA 2?			
Service targets		Performance targets	
User satisfaction		Service take-up	
Workforce monitoring		Press coverage	
Complaints & comments		Census data	
Information from Trade Union		Community Intelligence	
Previous EqIA		Staff survey	
Public consultation	X	Other (please specify)	

2. What are the findings from the available evidence for the areas you have ticked above?

The public consultation received the following types of comments:

- A negative impact on poorer households.
- Concern raised regarding the impacts to the elderly or vulnerable.
- Concerns raised regarding the ability of those with restricted mobility or without transport to use waste management alternatives. For example, those who could not make use of recycling centres.

The consultation responses provided suggestions for how we can reduce the impact on those affected:

- By making the subscription to the service free to some applicants or introducing a concession rate to those applicable such as the elderly.
- Either lower the cost of the subscription or continue to provide the service at no additional cost.
- Through the use of means testing.
- By offering a payment method with less impact such as direct debit.

3. What additional research or data is required, if any, to fill the gaps identified in question two? Have you considered commissioning new data or research e.g. a needs assessment?

No

Step Two – Involvement and Consultation

4. How do the findings from the evidence summarised in Step One affect people with the nine protected characteristics?

Target Groups	Summary of responses and type of evidence
<p>Age – relates to all ages</p>	<p>About 21% of the responses referred to the elderly that may not be able to use the alternative waste management options, for example those who could not drive to the recycling centres. People that do not want to subscribe to the service and have restricted mobility may find it difficult to use alternative waste management options, for example those who could not drive to the recycling centres.</p> <p>Many of the responses referred to low income elderly households which may find the service unaffordable.</p>

<p>Disability - applies to a range of people that have a condition (physical or mental) which has a significant and long-term adverse effect on their ability to carry out 'normal' day-to-day activities. This protection also applies to people that have been diagnosed with a progressive illness such as HIV or cancer.</p>	<p>About 3% of the responses referred to the people with disabilities that may not be able to use the alternative waste management options, for example those who could not drive to the recycling centres. People that do not want to subscribe to the service and have restricted mobility may find it difficult to use alternative waste management options, for example those who could not drive to the recycling centres.</p> <p>Many of the responses referred to low income households with disabilities which may find the service unaffordable.</p>
<p>Gender reassignment - definition has been expanded to include people who chose to live in the opposite gender to the gender assigned to them at birth by removing the previously legal requirement for them to undergo medical supervision.</p>	<p>There is no evidence to indicate that there will be a greater impact on this group than on any other.</p>
<p>Marriage and civil partnership – protects employees who are married or in a civil partnership against discrimination. Single people are not protected.</p>	<p>There is no evidence to indicate that there will be a greater impact on this group than on any other.</p>
<p>Pregnancy and maternity - protects against discrimination. With regard to employment, the woman is protected during the period of her pregnancy and any statutory maternity leave to which she is entitled. It is also unlawful to discriminate against women breastfeeding in a public place</p>	<p>There is no evidence to indicate that there will be a greater impact on this group than on any other.</p>
<p>Race - includes colour, caste, ethnic or national origin or nationality.</p>	<p>There is no evidence to indicate that there will be a greater impact on this group than on any other.</p>
<p>Religion or belief - covers any religion, religious or non-religious beliefs. Also includes philosophical belief or nonbelief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour.</p>	<p>There is no evidence to indicate that there will be a greater impact on this group than on any other.</p>

<p>Sex - applies to male or female.</p>	<p>There is no evidence to indicate that there will be a greater impact on this group than on any other.</p>
<p>Sexual orientation - protects lesbian, gay, bi-sexual and heterosexual people.</p>	<p>There is no evidence to indicate that there will be a greater impact on this group than on any other.</p>

<p>5. Who are the main stakeholders (e.g. service users, staff) and what are their requirements?</p>
<p>The main stakeholders are the households in the district that currently use the garden and food waste service. Their requirements would be a continuation of the garden waste collection service. The garden waste collection service is not a statutory service and charging for Garden Waste collection is allowed under the Controlled Waste (England and Wales) Regulations 2012.</p>

<p>6. How will this item affect the stakeholders identified above?</p>
<p>The stakeholders would have to pay if they wish to continue to use the garden waste collection service.</p> <p>If stakeholders choose not to subscribe they have alternative options to compost their garden waste of using the Household Waste Recycling centres or home composting their garden waste.</p>

Step Three – Assessing Impact and Strengthening the Policy

<p>7. What are the impacts and how will you mitigate them?</p>
<p>The consultation has identified a number of potential impacts particularly in relation to the elderly, disabled and low income families. A small number of those responding also suggested that the proposal, if approved, might result in fly-tipping. However, this is illegal and anyone found guilty of fly-tipping could be liable for prosecution. Others suggested that the amount of waste which goes to landfill or Energy from Waste facilities could reduce.</p> <p>The consultation identified that the impacts could however be mitigated through:</p> <ul style="list-style-type: none"> • the Council supporting home composting. • community involvement such as community composting, friends and family taking garden waste to HWRCs. <p>If this proposal is implemented then the impact will be monitored over the next 12 months and any appropriate action taken.</p>

Step Four – Procurement and Partnerships

8. Is this item due to be carried out wholly or partly by contractors?

Yes

The collection service will be provided by a contractor. There will not be any additional requirements placed on the contractor because the design and promotion of the service is the responsibility of the Council.

Step Five – Making a Decision

9. What are your recommendations as a result of the EqIA 2?

In making your recommendations please summarise your findings.

The consultation identified that the proposal may impact on low income households who are unable to afford the service and in addition are elderly or disabled and cannot travel to use alternative waste services provided.

The consultation identified that the impacts could be mitigated through:

- (I) the Council supporting home composting.
 - a. The Council does support home composting and does intend to continue to do so. This option is recommended.
- (II) community involvement such as community composting, shared bins, friends and family taking garden waste to HWRCs.
 - a. The Council intends to provide information about these options in the service communications. This option is recommended.
- (III) by making the subscription to the service free to some applicants or introducing a concession rate to those applicable.
 - a. The Council does not currently provide any concessions for waste services. Additional resources would be required to administer the concessions and any concessions would impact on the amount of income received for the service. In view of the Council's overall financial position, this is not recommended. However, the impacts should be monitored.

It is therefore recommended that the proposal be approved subject to the mitigation points (i) and (ii) above. The recommendation is therefore that an annual subscription of around £50 per household is introduced for the collection of garden waste. In addition, officers will monitor the impact of the service with respect to elderly/disabled residents and bring the decision back for further review in a year's time if required. An action plan has been prepared which sets out steps as to how any impact will be monitored.

Step Six – Monitoring, Evaluating and Reviewing

10. How will you monitor the impact on the nine protected characteristics once the change has taken place?

To monitor the impact of the decision, the action plan below would take effect.

Step Seven – Action Plan

Categories	Actions	Target date	Responsible person
Involvement and consultation	No further action		
Data collection	<p>Benchmark pricing from other Local Authorities</p> <p>Assessment of loss of income due to concessions.</p> <p>Assessment of any additional resources required to administer service concessions.</p> <p>Assessment of any delay to the service start due to introducing concessions.</p>	1 st March 19	Jackie Ward
Assessing impact	No further action		
Procurement and partnership	No further action		
Monitoring, evaluation and reviewing	<p>Monitor the number of concession subscriptions against population data.</p> <p>In the event of conducting a customer satisfaction survey we will ask specific impact questions.</p>	<p>Setting fees for second year of service.</p> <p>On date of survey (none planned)</p>	Jackie Ward

Step Eight – Sign Off

The policy, strategy or function has been fully assessed in relation to its potential effects on equality and all relevant concerns have been addressed.		
Contributors to the EqIA 2		
Name: Jackie Ward	Job Title: Waste Manager	Date: 31 January 2018
Sarah Clarke	Solicitor – Interim Head of Legal Services	31 January 2018
Head of Transport and Countryside		
Name: Mark Edwards		Date: 31 January 2018

Statement of Gambling Principles

Committee considering report:	Council on 6 December 2018
Portfolio Member:	Councillor Marcus Franks
Date Portfolio Member agreed report:	8 November 2018
Report Author:	Charlie Fletcher
Forward Plan Ref:	C3430

1. Purpose of the Report

- 1.1 West Berkshire District Council's Statement of Gambling Principles ('Statement') under the Gambling Act 2005 must undergo a review and be re-published by 31st January 2019.
- 1.2 The purpose of this report is to bring the revised Statement, further to endorsement by the Council's Licensing Committee on 19 November 2018, to Full Council for approval.

2. Recommendation

- 2.1 That the Council adopts the Statement set out at Appendix E.

3. Implications

- 3.1 **Financial:** There are no new financial implications as result of the Statement being considered however it should be noted that there are fees and charges associated with this work to ensure the Council recovers all costs.
- 3.2 **Policy:** The Gambling Act 2005 requires the Council to formulate, consult and publish a Statement every three years. Problem gambling is a high profile issue and a matter of significant public concern. This Statement seeks to set out, amongst other principles, the Council's policy position in respect of this issue.
- 3.3 **Personnel:** None
- 3.4 **Legal:** It is a legal requirement to publish and have regard to a Statement
- 3.5 **Risk Management:** There are no specific risk matters arising from the adoption of this Statement. A risk would arise should the Council fail in its statutory duty to consider, adopt and publish a current Statement. This risk would increase the longer the Council remained outside of the approved document timescales, the next opportunity to approve this would be in March 2019 at the next Full Council meeting. This risk is considered medium to low at this stage.

Statement of Gambling Principles

3.6 **Property:** None

3.7 **Other:** None

4. **Other options considered**

4.1 There are no alternative options as the revision of the statement is a legal requirement.

Executive Summary

5. Introduction / Background

- 5.1 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act.
- 5.2 The revised Statement will last for a maximum of three years and can be reviewed and revised by the authority at any time.
- 5.3 The present Statement was published on 31st January 2016 and therefore must undergo a review and be republished on or before 31st January 2019.
- 5.4 It should be noted that as part of the wider Public Protection Partnership (PPP) this policy has been drafted in consultation with colleagues across Bracknell and Wokingham. It is a stated objective of the PPP to reduce duplication and derive efficiency from economies of scale. There may be occasion where terminology is used to describe processes which vary from authority to authority.

6. Proposals

- 6.1 That the Council approves the revised Statement at Annex E.

7. Conclusion

- 7.1 There is a mandatory duty on the Council to publish a revised Statement and the substantive policy objectives being proposed are considered to be in the best interests of the Community, the Council and the trade. A public consultation has also informed this process.
- 7.2 The revised Statement is also seen as being broadly consistent with our PPP partners' objectives and whilst there may be some localised deviations they are only minor in nature, enabling the Council to benefit from economies of scale and resilience.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – Consultation responses received
- 8.5 Appendix E – Revised Statement of Gambling Principles

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Public Protection and Culture
Service:	Public Protection Partnership
Team:	Licensing
Lead Officer:	Julia O'Brien
Title of Project/System:	Revision of Statement of Gambling Principles
Date of Assessment:	5 October 2018

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	Approve updated Statement of Gambling Principles
Summary of relevant legislation:	Gambling Act 2005
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Charlie Fletcher
Date of assessment:	5 October 2018

Is this a:		Is this:	
Policy	Yes	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?		
Aims:	To publish a revised Statement of Gambling Principles	
Objectives:	Transparency of how the Council deals with matters under the Gambling Act 2005	
Outcomes:	Greater understanding in the trade and other interested bodies	
Benefits:	Reduction in negative impacts associated with gambling	
2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	No impact	
Disability	No impact	
Gender Reassignment	No impact	

Statement of Gambling Principles

Marriage and Civil Partnership	No impact	
Pregnancy and Maternity	No impact	
Race	No impact	
Religion or Belief	No impact	
Sex	No impact	
Sexual Orientation	No impact	
Further Comments relating to the item:		
No further comments		
3 Result		
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?		No
Please provide an explanation for your answer: No evident contribution on inequality		
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?		No
Please provide an explanation for your answer: No evidence the revised Statement will have an adverse impact.		

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Charlie Fletcher

Date: 5 October 2018

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

Statement of Gambling Principles – Supporting Information

1. Introduction/Background

- 1.1 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act.
- 1.2 The Statement will last for a maximum of three years and can be reviewed and revised by the authority at any time.
- 1.3 The present Statement was published on 31 January 2016 and therefore must undergo a review and be republished on or before 31 January 2019.
- 1.4 Once published, the revised Statement shall be valid between January 2019 and January 2022.

2. Supporting Information

- 2.1 Due to the general reformatting of the Statement, it has not been possible to include all of the amendments as track-changes. However, a summary of the material changes are as follows:
 - Revised intro 1.1
 - Added 1.4 to clarify what are licensable activities and the responsibility of the licensing authority
 - Updated 1.7 and 1.8 reference Information Exchange and Enforcement
 - Updated 1.9 on local risk assessments
 - Added new section 2.1 on general principles of premises licensing
 - Added 2.2 reference preventing gambling from being a source of crime and disorder
 - Added 2.3 reference ensuring gambling is conducted in a fair and open way
 - Updated 2.4 on protection of children and vulnerable persons
 - Updated 2.5 on conditions
 - Added sections 2.6-2.12 giving premises-specific guidance
 - Added 2.13 on provisional statements
 - Added 2.14 on premises licence reviews
 - Added section 3
 - Updated sections 4 and 5
 - List of consultees and glossary added as appendices
- 2.2 In addition to these changes, and further to comments submitted during the consultation process, a reference has been added under section 2.4 of the Statement to the West Berkshire Health and Wellbeing Board and Safeguarding Adults Board.

- 2.3 It is noted that the West Berkshire Local Lottery is not run under a licence issued by the Council, and is instead run by an External Lottery Manager who is licensed by the Gambling Commission.
- 2.4 It is felt that a number of the other matters that have been raised in the comments received have been satisfactorily addressed during the revisions made to the wording, or are otherwise outside of the remit of the Statement.
- 2.5 It should be noted that as part of the wider Public Protection Partnership (PPP) this policy has been drafted in consultation with colleagues across Bracknell and Wokingham. It is a stated objective of the PPP to reduce duplication and derive efficiency from economies of scale. There may be occasion where terminology is used to describe processes which vary from authority to authority. It is acknowledged that as part of the feedback process these may be amended to suit the individual authorities' own style and culture.
- 2.6 The Council's Licensing Committee met on 19 November 2018 and have recommended the Statement for approval.

3. Options for Consideration

- 3.1 There were no other options considered. This revision has been subject to consultation with interested parties and the wider public.

4. Proposals

- 4.1 That the Council approves the revised Statement at Annex E.

5. Conclusion

- 5.1 There is a mandatory duty on the Council to publish a revised statement and the substantive policy objectives being proposed are considered to be in the best interests of the Community, the Council and the trade. A public consultation has also informed this process.
- 5.2 The revised Statement is also seen as being broadly consistent with our PPP partners' objectives and whilst there may be some localised deviations they are only minor in nature, enabling the Council to benefit from economies of scale and resilience.

6. Consultation and Engagement

- 6.1 A consultation was carried out between 20th August 2018 and 5th October 2018. The bodies consulted are included at Appendix A of the revised Statement.
- 6.2 Details of the responses received to this consultation are included at Appendix D of this report.
- 6.3 It is noted that some of the comments received are general comments rather than specific responses to the Statement that has been drafted, or are outside of the Council's power to effect.

6.4 Early discussions with the Chairman of the Licensing Committee and members of the Committee who expressed an interest in its development have informed the revised SLP.

Background Papers: None

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval
Delays in implementation could have serious financial implications for the Council
Delays in implementation could compromise the Council's position
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
Item is Urgent Key Decision
Report is to note only

Wards affected: All

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

P&S – Protect and support those who need it

The proposals contained in this report will help to achieve the following Council Strategy priority:

P&S1 – Good at safeguarding children and vulnerable adults

Officer details:

Name: Charlie Fletcher
Job Title: Licensing Officer
Tel No: 01344 352550
E-mail Address: Charlie.fletcher@westberks.gov.uk

Responses to Statement of Gambling Principles consultation

Public Health and Wellbeing West Berkshire Council

HWBB and the Safeguarding Adults Board should also be mentioned when considering protection of 'other vulnerable people'.

The emphasis of section 8 is rightly on children, however there is scope to expand this to formally recognise the significant impact that a gambling addiction might have on a person's mental health and overall wellbeing. I would like to see more detail on how the policy encompasses recommendations from the LGA/ PHE publication

https://www.local.gov.uk/sites/default/files/documents/Tackling%20gambling%20related%20harm_LGA_10%2023.pdf

The faculty of Public Health issued the following statement and this should be reflected in the policy with a statement such as Public Health recognises that Gambling can have a negative impact on individuals and the wider community. Gambling is associated with stress, depression, and alcohol and substance misuse. These often cluster and can be bi-directional. Gambling harm affects not only the individual, but also the family and wider society. See references in the following document to support this ref 6 and 7

<https://www.fph.org.uk/media/1810/fph-gambling-position-statement-june-2018.pdf>

Englefield Parish Council

Englefield Parish Council have reviewed the attached draft policies and have the following comment with regard the Statement of Gambling Principles:

We welcome and support the three stated Licensing Objectives (Section 3).

With regard to (c) and aware that problem gambling has significant psycho-social dimensions, we suggest that this might be specifically recognised within the safeguarding category of 'vulnerable persons' who are identified as being at risk from gambling.

Public comment

In: Section 9 - Interested parties it is stated that "Section 158 of the Act defines interested parties as persons who:

- a) live sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) have business interests that might be affected by the authorised activities; or
- c) represent persons who satisfy paragraph a) or b)."

I assume therefore that West Berkshire intends to rely solely on this definition. I believe that this definition is far too narrow and does not allow other affected parties to have their views suitably considered. Licenced premises and activities can affect a large part of the community, not just those in close physical proximity. West Berkshire should consider amending Section 9 to include a broader range of interested parties; specifically those who may work, travel close to, shop at or use the services of businesses nearby.

Holybrook Parish Council



Holybrook Parish Council

Serving the communities of Beansheaf Farm & Fords Farm

The Parish Office
Beansheaf Community Centre
Charrington Road
Calcot
Reading RG31 7AW

Tel/fax 0118 9454339
e-mail: holybrookcouncil@btconnect.com
www.holybrookparishcouncil.co.uk

18th September 2018

Cheryl Lambert
Public Protection Partnership
Environmental Health and Licensing
West Berkshire District Council
Council Offices
Market Street
Newbury
Berkshire RG14 5LD

Dear Mrs Lambert

RE: Licensing Act 2003: Review of Statement of Gambling Principles

Thank you for inviting Holybrook Parish Council to comment on WBCs Review of Statement of Gambling principles.

Whilst it is acknowledged that the policy is based on standardized directives, Holybrook Parish Council make the following comments/observations:

- Section 14d 'guidance and assistance to licence applicants'

Please consider adding: '.... and information for those wishing to make an objection'.

- Section 12 (41) 'The name and address of the person making the representation will normally be made available to the applicant but will be withheld upon request. In such cases, an objector must appreciate that the representation may receive lesser consideration'

Holybrook Parish Council question why this may be the case? Is this in-line with the new GDPR regulations?

We look forward to your response.

Yours sincerely

Pamela Kirkpatrick
Clerk, Holybrook Parish Council

PLEASE ADDRESS ALL CORRESPONDENCE TO THE CLERK

GamCare

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.

- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk

Gosschalks Solicitors, representing the Association of British Bookmakers



West Berkshire Council

Please ask for: Richard Taylor
Direct Tel: 01482 590214
Email: rjt@gosschalks.co.uk
Current: R17 / 302 / 097505.00008
#032198285
Your ref:
Date: 01 October 2018

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take with regard, to the requirements for local area risk assessments.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these would be detrimental to the gambling licensing regime. The ABB also believes it is important that

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the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

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The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as *"breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."*

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

Local area risk assessments

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

Best practice

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

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Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

Concerns around increases in the regulatory burden on operators

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Employing additional licence conditions

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent

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with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Considerations specific to the Draft Statement of Gambling Principles

On behalf of the ABB, we welcome the light touch approach to the Statement of Gambling Principles and have very few comments to make. Those comments are below.

Section 3

Paragraph 7 indicates that “the licensing authority recognizes that its duty under the Act is to carry out its functions with a view to promoting the licensing objectives...” This sentence should be redrafted as the licensing authority does not have a duty under the Act to promote the licensing objectives. The only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission. In exercising most of its functions under the Gambling Act, the licensing authority is required to “have regard” to the licensing objectives whilst applications granted must be “reasonably consistent” with the licensing objectives. It is important that this paragraph is redrafted in order that there is no confusion with Licensing Act 2003 where the licensing authority does indeed have a duty to promote the licensing objectives.

Section 10 – Licensing Conditions

Paragraphs 32-35 explain the licensing authority’s approach to the imposition of conditions on premises licences. These paragraphs would be assisted by a clear explanation that the mandatory and default conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives and it is only in circumstances where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that additional conditions would be considered. The evidential basis for the imposition of additional conditions is extremely important and should be clearly stated within the Statement of Principles.

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Conclusion

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,

|

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Statement of Gambling Principles

January 2019 - January 2022

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1 Statement of Gambling Principles

1.1 Introduction

The Gambling Act 2005 (referred to in this document as ‘the Act’) requires the Council to prepare and publish a Statement of Gambling Principles (‘Statement’) that sets out the policies that West Berkshire Council as Licensing Authority (‘the Licensing Authority’) will generally apply to promote the licensing objectives when making decisions on applications made under the Act. It also gives details of our expectations of applicants and licence-holders.

The purpose of this Statement is to provide guidance to committees and officers determining matters under delegated authority, to provide consistency to our decision-making. However, where the circumstances justify doing so, we may depart from any provision of this statement, or of the Commission’s Guidance, to make an appropriate decision based upon the individual circumstances of a particular case. In any such case we will give a clear explanation and reasons as to why we have done so.

This Statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, the Statement is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

This Statement has been prepared having regard to the licensing objectives of the Act, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the Statement. The list of those consulted can be found at Appendix A. The full list of comments made and the consideration by the Council of those comments is available on request.

The Statement will come into effect on 31 January 2019 and will be reviewed as necessary, and at least every 3 years from the date of adoption.

1.2 The District of West Berkshire

West Berkshire Council is a Unitary Authority and is predominantly rural, with an area making up over half of the geographical county of Berkshire, covering an area of 272 square miles. The population is relatively young when compared across the UK, although this is made up of a significant proportion of people aged between 30 – 50 rather than significant numbers of people in their 20s.

The District is perceived to be in an area of some affluence having 5 main areas of conurbation spread evenly across the Council’s area of jurisdiction. Newbury Racecourse is situated in the largest town in the District and some rural areas of the District are world renowned for their involvement in the training and stabling of race horses.

1.3 Licensing Objectives

In exercising functions under the Gambling Act 2005, the Licensing Authority will have regard to the licensing objectives as set out in the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

This Licensing Authority is aware that, in accordance with section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of principles.

1.4 Licensable Activities

'Gambling' is defined in the Act as either gaming, betting, or taking part in a lottery.

- Gaming means playing a game of chance for a prize
- Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

The Act provides for three categories of licence:

- Operating licences
- Personal licences
- Premises licences.

The Gambling Commission is responsible for remote (online) gambling, operating licences and personal licences.

This Licensing Authority is responsible for issuing premises licences and provisional statements for the following types of premises:

- Casinos
- Bingo premises
- Betting premises and tracks
- Adult gaming centres
- Family entertainment centres.

Additional functions of this Licensing Authority are to:

- issue permits for gambling and gaming machines in clubs
- receive notifications from alcohol licensed premises of the use of up to 2 gaming machines and issue licensed premises gaming machine permits where there are more than 2 machines
- issue permits to family entertainment centres for the use of certain lower stake gaming machines
- issue permits for prize gaming
- receive and endorse temporary use notices
- receive occasional use notices for betting at tracks
- register small society lotteries
- provide details of licences issued to the Gambling Commission
- maintain registers of the permits and licences that are issued under the Act.

1.5 Responsible Authorities

Responsible authorities must be notified of all premises licence applications and are entitled to make representations if they are relevant to the licensing objectives.

Section 157 of the Act defines those authorities as:

- Gambling Commission
- Police
- Local Fire Authority
- Local Planning authority
- Environmental Health
- Child Protection Committee
- HM Revenue and Customs
- A Licensing Authority in whose area the premises is situated.

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area, and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

This authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the responsible authorities under the Gambling Act 2005 are available on the Council's website.

1.6 Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. Interested parties making representations will be required to relate their objection to one or more of the licensing objectives.

Section 158 of the Gambling Act 2005 defines an interested party as someone who:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
- has business interests that might be affected by the authorised activities, or
- represents persons in either of the two groups above.

In determining whether someone lives sufficiently close to particular premises so as to be affected the Licensing Authority will take into account, amongst other things:

- the size and nature of the premises
- the distance of the premises from the person making the representation
- the nature of the complaint
- the potential impact of the premises.

In determining whether a person has a business interest which could be affected, the Licensing Authority will consider, amongst other things:

- the size of the premises
- the catchment area of the premises, and
- whether the person making the representation has business interests in the catchment area that might be affected.

The term "business interests" is given the widest possible interpretation and includes partnerships, charities, faith groups and medical practices.

If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, the Licensing Authority would not consider this as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.

The Licensing Authority may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision, the Licensing Authority will normally consider:

- who is making the representation and whether there is a history of making representations that are not relevant,
- whether it raises a 'relevant' issue or not, or
- whether it raises issues specifically concerning the premises which is the subject of the application.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by officers. Where representations are rejected, the person making that representation will be given a written reason as to why that is the case.

The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.

Where an interested party has made either a valid representation about a licensed premises or a valid application for a licence to be reviewed, the Licensing Authority may initially arrange a mediation meeting to address and clarify the issues of concern. This process will not override the right of any interested party to ask that the Licensing Committee consider their valid objections or for any licence holder to decline to participate in a mediation meeting.

1.7 Information Exchange

This Licensing Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that any data protection legislation will not be contravened. The Licensing Authority will also have regard to any guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

1.8 Enforcement

This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and

- **Targeted:** regulation should be focused on the problem, and minimise side effects.

This Licensing Authority has also adopted and implemented a risk-based inspection programme based on:

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission
- The principles set out in this statement of licensing policy

The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences.

As per the Gambling Commission's Guidance, this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible. The Licensing Authority will establish a close working relationship with the Police, the Gambling Commission and, where appropriate, other responsible authorities.

The Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants may be encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Bearing in mind the principle of transparency, the Licensing Authority's enforcement policy will be available upon request. Our risk methodology is also available upon request.

A number of gambling operators have formed primary authority partnerships, under which they receive 'assured advice' from a single local authority in respect of one or more regulated aspects of their business – for example, preventing underage sales of age-restricted products or services. Where we have concerns around a premises whose operator has formed a primary authority partnership relevant to the issue in question, we will consult with the primary authority prior to taking any formal action.

1.9 Local Risk Assessments

Operators with premises licences have an obligation to produce a local risk assessment which will assist the Licensing Authority when considering applications. The risk assessment should consider actual and potential risks to the licensing objectives posed by the provision of gambling facilities at a premises. The Licensing Authority has an expectation that all local risk assessments will take into account the local social profile of the area. The assessment should detail the policies, procedures and control measures to mitigate those risks and should take into account the Licensing Authority's Statement of Gambling Principles. The Licensing Authority can provide advice on the level of detail required, which will be proportional to the scale and nature of the application made.

The Licensing Authority will expect this risk assessment to accompany all applications for premises licences (new and variation), and will also expect the risk assessment to be shared with the Licensing Authority on request. Local risk assessments must be reviewed

when there are significant changes in local circumstances or at the premises, or when applying for a new licence or variation of a licence. The Council's Local Area Profile is available on request.

Risk assessments must be kept at the individual premises to which they relate. All staff should be fully aware of the risk assessment and where it is kept in order that they can work in accordance with any requirements, and it can easily be provided to responsible authorities should they request to see it at any reasonable time, including unannounced inspections and ad hoc visits.

We do not intend to specify a format or mandatory content for these local risk assessments, as we believe that these will be decisions for the operator to take, and will be dependent upon the location, size, and operational nature of the premises in question. However, we would expect that operators have considered the individual circumstances of each of their premises when compiling the risk assessments. A single generic risk assessment covering every premises in an operator's estate will not be considered by the authority to be suitable nor sufficient. We would also expect operators to take full account of our local area profile when compiling their risk assessments, and to reflect this in the control measures which they will implement.

2 Premises Licences

2.1 General Principles

A licence can only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

In the Act, "premises" is defined as including "any place". A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as shopping malls to obtain separate premises licences, where appropriate safeguards are in place. This Licensing Authority will take account of the Gambling Commission's guidance in respect of this matter and the mandatory conditions relating to access between premises.

When determining an application for a premises licence or review of a premises licence, regard will be had to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The

proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome any concerns, this will be taken into account. This would be expected to be addressed as part of the local risk assessment required to be submitted with all new and variation premises licence applications.

In determining an application, the Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide, nor may it take account of any moral objections.

Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate. More detail on licence conditions can be found at 2.5 of this document.

The Licensing Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation, and will seek to avoid any duplication with other regulatory systems where possible. For example, the Licensing Authority will not take into account whether a premises has the appropriate planning or building consents, nor will it take into account fire or health and safety risks. It will, however, consider carefully any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

Where children and other vulnerable people are allowed access to premises where gambling takes place, the Licensing Authority may take such steps as are lawful and necessary to either limit access generally or by introducing measures to prevent under-age gambling. The Licensing Authority will not normally seek to limit the access of children to any premises unless it receives representations to that effect or it believes it is right to do so for the prevention of their physical, moral or psychological harm. Applicants are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

The overriding principle is that each application and the circumstances prevailing at each premises will be considered on their own individual merits.

2.2 Preventing gambling from being a source of crime and disorder

This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling premises from being a source of crime, for example the sale and distribution of controlled drugs, money laundering, prostitution, or unlawful gambling. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has high levels of organised crime, this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be necessary such as provisions of door supervisors. When making decisions in this regard, the Licensing Authority will give due weight to any comments made by the Police.

This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. The Licensing

Authority will seek the views of its legal advisers before determining what action to take in circumstances in which disorder may be a factor. As far as disorder is concerned, there are already powers in existing anti-social behaviour and other legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Licensing Authority will not use the Act to deal with general nuisance issues, such as parking problems, which can easily be dealt with using alternative powers.

2.3 Ensuring gambling is conducted in a fair and open way

This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

2.4 Protecting children and other vulnerable people from gambling

This Licensing Authority has noted that the Gambling Commission's Guidance for Local Authorities states that this objective means preventing children from taking part in gambling, as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children. The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

The use of CCTV (in accordance with data protection regulations and any relevant codes of practice) is unlikely to be sufficient on its own as a measure to prevent access to gaming facilities by children or vulnerable persons (including those who have registered in a self-exclusion scheme). At premises such as adult gaming centres, betting shops, bingo halls and family entertainment centres where category B or C gaming machines are operated, the Licensing Authority will expect that an appropriate number of staff will be present throughout opening hours who will ensure that children are not permitted to enter the premises or use age-restricted gaming facilities, as the case may be, and that self-excluded persons are not permitted to gamble.

This Licensing Authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term "vulnerable persons", it is noted that the Gambling Commission does not seek to offer a definition, but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This Licensing Authority will consider this licensing objective on a case by case basis and shall seek advice from the West Berkshire Health and Wellbeing Board and the West of Berkshire Safeguarding Adults Board where required.

2.5 Licence Conditions

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the premises suitable as a gambling facility

- directly related to the premises and the type of licence applied for
- fairly and reasonably related to the scale and type of premises, and
- reasonable in all other respects.

When considering any conditions to be attached to licences, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. Conditions (other than default conditions and those required by law) will only be attached where they are needed to meet the requirements of the licensing objectives and are within the control of the licensee. Any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the risks involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; the segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where these machines are located
- access to the area where the machines are located is supervised
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder, and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated), and
- conditions in relation to stakes, fees, winning or prizes.

The Gambling Commission advises in its Guidance to Licensing Authorities that if a Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect. Where it is decided that supervision of entrances or machines is appropriate for particular cases, a consideration of whether these supervisors need to be SIA licensed will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

Listed below are examples of possible areas where a Licensing Authority may wish to attach conditions to a licence if deemed appropriate:

- Leaflets giving assistance to problem gambling being displayed in prominent areas and discreet areas such as toilets
- The operator having regard to best practice guidance issued on the protection of the interests of vulnerable people
- Positioning of GamCare helpline information positioned on the machine
- Posters promoting details of the GamCare telephone number and website
- A proof of age policy which would be agreed with a relevant responsible authority
- The inclusion of designated chill out areas and areas of non-gambling in the premises.

The Licensing Authority will not generally impose conditions that limit the use of premises for gambling unless it is deemed to be necessary as a result of the requirement to act in accordance with the Gambling Commission's guidance, any codes of practice issued by the Commission, this Statement or in a way that is reasonably consistent with the licensing objectives.

2.6 Licensed Family Entertainment Centres (FEC)

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Plans of the premises should be provided with an application for an FEC permit.

This Licensing Authority may consider measures to meet the licensing objectives such as:

- CCTV

- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- Measures/training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This Licensing Authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

In exercising their functions in respect of family entertainment centre permits, the Licensing Authority need not, but may have regard to, the licensing objectives and must have regard to any guidance issued by the Gambling Commission.

Except in exceptional circumstances, the Licensing Authority will not grant FEC permits in premises licensed for the sale of alcohol under the Licensing Act 2003.

2.7 Casinos

There are currently no casinos operating within the District.

The Council has not passed a 'no casino' resolution under Section 166 of the Act, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, it will update this Statement with details of that resolution. Any such decision will be made by the Full Council following considered debate, and the reasons for making the resolution will be given. There is no right of appeal against such a resolution.

2.8 Bingo Premises

This Licensing Authority notes that the Gambling Commission's Guidance states: *"Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas"*.

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

2.9 Betting Premises

This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

The authority notes the difference between betting terminals, which are designed to receive bets on real events, and gaming machines such as fixed odds betting terminals (FOBTs), which are reliant upon the outcome of a virtual event. It is further noted that betting premises are entitled to offer up to four gaming machines in total, which may include category B2 FOBT machines. No further limits may be imposed by the Licensing Authority on gaming machine numbers in betting (other) premises, beyond the standard prescribed limit applying to all betting (other) premises licences.

There are no statutory limits on the number of betting terminals that may be made available in betting premises, although the Licensing Authority may attach a condition to a licence limiting the number if concerns exist over the availability of machines to children or vulnerable persons which cannot be satisfied through alternative means.

There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. This Licensing Authority will make a door supervision requirement only if there is clear evidence from the history of trading that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

This Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/ helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

2.10 Adult Gaming Centres

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant

to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

2.11 Tracks

This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will especially consider the impact upon the licensing objective "protection of children and vulnerable persons from being harmed or exploited by gambling" and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage

- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures that may be taken.

Gaming machines - Guidance from the Gambling Commission is available as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This Licensing Authority will consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

Betting machines - This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

Plans - The Act requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Licensing Authority to plan future premises inspection activity. Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises. In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (whereby the charge for admission to an area for the purposes of carrying on business in connection with providing facilities for betting shall not exceed where payable by a betting operator, five times the cost of the highest charge paid by members of the public who are authorised to enter that part of the track) (commonly known as betting rings) must be indicated on the plan.

2.12 Travelling Fairs

It will fall to the Licensing Authority to decide whether a travelling fair which offers category D machines and/or equal chance prize gaming without a permit meets the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair.

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

The 27-day statutory maximum for the land being used as a fair is per calendar year, and applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will work with its neighbouring authorities to ensure that land which crosses boundaries is monitored so that the statutory limits are not exceeded.

2.13 Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

The Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed
- expects to be altered, or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage
- which in the authority's opinion reflect a change in the operator's circumstances, or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

2.14 Licence Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant Code of Practice or Guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with the Licensing Authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous or vexatious, or whether it will not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:

- add, remove or amend a licence condition imposed by the Licensing Authority
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion
- suspend the premises licence for a period not exceeding three months, and
- revoke the premises licence.

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

3 Permits, Temporary and Occasional Use Notices

3.1 Unlicensed Family Entertainment Centre Gaming Machine Permits

A proprietor of a family entertainment centre premises (FEC), who wishes to make only category D gaming machines available for use in those premises, can do so in reliance upon a family entertainment centre gaming machine permit. This category of permit provides an alternative to the family entertainment centre premises licences available under the Act, which allow the operation of higher-value gaming machines but are subject to more rigorous application procedures.

It should be noted that the premises must be wholly or mainly used for making gaming machines available for use, to be eligible for this type of permit.

Any application for a permit will be considered with regard to the licensing objectives and to any relevant guidance issued by the Commission. Particular weight will be given to child protection issues.

The applicant will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This Licensing Authority will also expect, as per Gambling Commission guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant (or company directors if the applicant is a limited company) has no relevant convictions; and that staff are trained to have a full understanding of the maximum stakes and prizes.

Applicants will also be asked to supply a plan of the internal layout of the family entertainment centre, drawn to an appropriate scale, that shows the location of the area(s) where category D gaming machines will be made available for use.

An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application.

It is noted that a Licensing Authority cannot attach conditions to this type of permit.

3.2 Alcohol Licensed Premises Notifications and Gaming Machine Permits

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises is mainly used for gaming, or
- an offence under the Gambling Act has been committed on the premises

If a premises wishes to have more than two machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and “such matters as they think relevant.” This Licensing Authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an adult gaming centre premises licence.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached. It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

3.3 Prize Gaming Permits

In any application for a prize gaming permit the applicant should set out the types of gaming that he or she is intending to offer, and should also be able to demonstrate:

- they understand the limits to stakes and prizes that are set out in regulations
- that the gaming offered is within the law, and
- that appropriate measures will be taken to ensure that children are protected from being harmed or exploited by gambling; in particular, the measures that will be taken to ensure that children cannot participate in the gambling offered.

In making its decision on an application for this permit, the Licensing Authority does not need to have regard to the licensing objectives, but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Act with which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

- limits on participation fees, as set out in regulations, must be complied with
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day, the game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize), and
- participation in the gaming must not entitle the player to take part in any other gambling.

3.4 Club Gaming and Club Machines Permits

Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines, equal chance gaming and games of chance as set out in the regulations.

Members clubs, miner's welfare institutes and commercial clubs may apply for a club machine permit. A club machine permit will enable the premises to provide gaming machines as set out in the regulations.

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

Before granting the permit, the authority will need to satisfy itself that the premises meets the requirements of a members' club and may grant the permit if the majority of members are over 18.

Licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- the applicant's premises are used wholly or mainly by children and/or young persons
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- a permit held by the applicant has been cancelled in the previous ten years, or
- an objection has been lodged by the Commission or the Police.

There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003. As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced."

The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming, or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of the code of practice about the location and operation of gaming machines.

3.5 Temporary Use Notices

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues. The Licensing Authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The types of gambling activities that may be authorised by a Temporary Use Notice are set out in regulations made under the Act. Currently, the only permitted activity is the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Possible examples of this could include gaming tournaments with such games as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

Temporary Use Notices are subject to a statutory limit that a set of premises may be used for no more than 21 days in any 12 month period. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of "a set of premises", the Licensing Authority will look at, amongst other things, the ownership/occupation and control of the premises.

This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities, or in other cases where the proposed gaming would undermine the licensing objectives or be contrary to the Guidance or this Statement of Principles.

3.6 Occasional Use Notices

Occasional use notices may be used to authorise infrequent betting at track premises, on no more than 8 days in any calendar year. They cannot be used to authorise any other form of gambling activity (e.g. gaming machines). Providing that the 8-day limit is not breached, there is no provision for correctly-served notices to be refused by a Licensing Authority.

The Licensing Authority notes that the definition of track premises is not restricted to permanent premises, but can include any premises or land on which a race or sporting event is to take place. Consideration will therefore be given to the nature of the premises specified in a notice, in addition to whether the person giving the notice is an occupier of the track, or is responsible for the administration of events at the track.

It is further noted that occasional use notices do not relieve any person accepting bets at the track premises from the requirement to hold an appropriate betting operating licence, nor from the requirements of any conditions imposed upon that licence.

4 Decision Making

4.1 Delegations and process

The Council will carry out its responsibilities under the Gambling Act 2005 efficiently and cost-effectively. To do this functions are delegated from the Licensing Committee to either Sub-Committees or officers as appropriate. The link shown at Appendix B identifies where the Council's Constitution and Scheme of Delegation is published. This form of delegation is without prejudice to officers referring an application to a Sub-Committee or full Committee if considered appropriate in the circumstances of any particular case.

Where there are no areas of contention, it is considered that many of the functions will be largely administrative. In the interests of efficiency and effectiveness these will, for the most part, be carried out by officers.

Where there are relevant representations in respect of an application the matter will be determined by a sub-committee, as will any application for the review of a licence.

Every determination of a licensing decision by a Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable.

4.2 Appeals

Where a Licensing Authority rejects an application, the applicant may appeal to the local Magistrates' Court.

5 Further information

Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from the Licensing Team as follows:

Licensing Team, West Berkshire District Council, Council Offices, Market Street, Newbury, RG14 5LD
Tel: 01635 519184

E-mail: licensing@westberks.gov.uk
www.westberks.gov.uk

Information is also available from:

Gambling Commission, Victoria Square House, Victoria Square, Birmingham, B2 4BP
Tel: 0121 230 6500
Website: www.gamblingcommission.gov.uk

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List of Consultees

- Association of British Bookmakers
- Association of Licensed Multiple Retailers
- Bingo Association
- British Amusement Catering Trade Association
- British Institute of Inn Keeping
- British Beer and Pub Association
- Committee of Registered Club Associations
- Gamblers Anonymous
- Gambling Commission
- GAMCARE
- HM Revenue and Customs
- Holders of existing gambling licences / permits
- National Association of Bookmakers
- Parish and Town Councils
- Planning
- Public Consultation Portal
- Public Health Team
- Royal Berkshire Fire and Rescue
- Thames Valley Police
- West Berkshire Council Environmental Health
- West Berkshire Council Planning
- West Berkshire Safeguarding Children Board

Summary of Delegations under the Gambling Act 2005

See relevant Scheme of Delegations.

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Gambling Act Glossary

Adult Gaming Centres	Adult Gaming Centres must have a premises licence from the Licensing Authority to make category B, C and D gaming machines available to their customers.
Betting Premises	The Act contains a single class of licence for betting premises, which includes track and non-track.
Bingo	Two types of bingo can be offered: Cash bingo - where the stakes paid made up the cash prizes that are won; or Prize bingo - where various forms of prizes are won and are not directly related to the stakes paid.
Casinos	The Act defines casino games as games of chance which are not equal chance gaming.
“Child” and “young person”	The Act defines a child as an individual who is less than 16 years old and a young person as an individual who is not a child but who is less than 18 years old.
Customer Lottery	A lottery run by occupiers of a business for the benefit of the customers who buy tickets sold on the premises (e.g. supermarket holding a hamper raffle).
Exempt Lottery	Incidental non-commercial lotteries Private lotteries Customer lotteries Small Society lotteries
Gambling Act 2005	The Act governs the provision of all gambling in Great Britain, other than the National Lottery and spread betting. It received royal assent on 7 April 2005.
Gambling Commission	The Gambling Commission licenses larger gambling operators and provides advice and guidance to operators, stakeholders and licensing authorities. They also have a role in enforcement and ensuring promotion of the licensing objectives.
Gaming Machines	Category of machine and where they can be situated are contained at the end of this glossary.
Incidental Non-Commercial Lottery	Lottery that is run as an additional amusement at non-commercial events with tickets sold only during the event, such as a raffle at a dance or church fair.
Licensed Family Entertainment Centres	The Act creates two classes of family entertainment centres (FEC). Licensed FECs provide category C and D machines and require a premises licence.

Lotteries	A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.
Non-track betting	Betting that takes place other than at a race track.
Occasional Use Notices	Section 39 of the Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.
Private Lottery	Lottery that requires membership of a society, place of work or single residential unit (e.g. raffle at a student hall of residence).
Small Society Lottery	Non-commercial societies if it is established and conducted for charitable purposes; for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or for any other non-commercial purpose other than private gain.
Temporary Use Notices	These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises which might be suitable for temporary use notices would include hotels, conference centres and sporting venues.
Track betting	Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks both in the form of pool betting (often known as the "totalisator" or "tote") and also general betting, often known as "fixed-odds" betting.
Travelling Fairs	A travelling fair is one that "wholly or principally" provides amusements and they must be on a site that had been used for fairs for no more than 27 days per calendar year. No permit is required for gaming machines, but they must comply with age restrictions.
Unlicensed Family Entertainment Centres	Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits.

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Statement of Licensing Policy

Committee considering report:	Council on 6 December 2018
Portfolio Member:	Councillor Marcus Franks
Date Portfolio Member agreed report:	8 November 2018
Report Author:	Charlie Fletcher, Acting Principal Licensing Officer
Forward Plan Ref:	C3431

1. Purpose of the Report

- 1.1 West Berkshire District Council's Statement of Licensing Policy ('SLP') under the Licensing Act 2003 must undergo a review and be re-published by 11th December 2018.
- 1.2 The purpose of this report is to bring the revised SLP, further to endorsement by the Council's Licensing Committee on 19 November 2018, to Full Council for approval.

2. Recommendation

- 2.1 That the Council adopts the SLP set out at Appendix E.

3. Implications

- 3.1 **Financial:** There are no new financial implications arising from this review of the SLP. The fees with respect to licences are set by law. Recent years have seen a decline in licensing income as the numbers of licensed premises has reduced particularly in respect of public houses. This decline in income has been highlighted through the budget setting process.
- 3.2 **Policy:** The Licensing Act 2003 requires the Council to formulate, consult and publish an SLP every 5 years. The Policy itself is developed around the four 'licensing objectives' i.e. prevention of crime and disorder, public safety, prevention of children from harm and prevention of public nuisance. This is a key policy aimed at protecting the community and individuals from harm.
- 3.3 **Personnel:** There are no specific personnel implications arising from this report.
- 3.4 **Legal:** It is a legal requirement for the Council to consider, adopt and publish a SLP every five years. This was last considered in December 2013. Prior to consideration by Council the statement has to be subject to wider consultation. This process has taken place and the consultation responses are set out in Appendix D to this report. The policy has been drafted to take account of the prevailing legislative framework governing such matters as

equalities and human rights. The main changes to the SLP are set out in the supporting information appended to this report.

3.5 **Risk Management:** There are no specific risk matters arising from the adoption of this SLP. A risk would arise should the Council fail in its statutory duty to consider, adopt and publish a current SLP. This risk would increase the longer the Council remained outside of the approved document timescales, the next opportunity to approve this would be in March 2019 at the next Full Council meeting. This risk is considered medium to low at this stage.

3.6 **Property:** None

3.7 **Other:** None

4. Other options considered

4.1 There were no other options considered. This SLP has been subject to consultation with interested parties and the wider public.

Executive Summary

5. Introduction / Background

- 5.1 Section 5 of the Licensing Act 2003 ('the Act') requires the Licensing Authority to prepare and publish a SLP every five years.
- 5.2 The SLP outlines the general approach of the Licensing Authority when making licensing decisions under the Act and can be reviewed and revised by the Authority at any time.
- 5.3 In so doing the SLP considers how the Council seeks to address the four 'licensing objectives' namely the prevention of crime and disorder, public safety, prevention of children from harm and prevention of public nuisance.
- 5.4 It should be noted that as part of the wider Public Protection Partnership (PPP) this policy has been drafted in consultation with colleagues across Bracknell and Wokingham. It is a stated objective of the PPP to reduce duplication and derive efficiency from economies of scale. There may be occasion where terminology is used to describe processes which vary from authority to authority.

6. Proposals

- 6.1 That the Council approves the revised SLP at Annex E.

7. Conclusion

- 7.1 There is a mandatory duty on the Council to publish an updated SLP and the substantive policy objectives being proposed are considered to be in the best interests of the Council and the trade. A public consultation has also informed this process.
- 7.2 The updated SLP is also seen as being broadly consistent with our PPP partners' objectives and whilst there may be some localised deviations they are only minor in nature, enabling the Council to benefit from economies of scale and resilience.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – Consultation responses received
- 8.5 Appendix E – Revised Statement of Licensing Policy

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Public Protection and Culture
Service:	Public Protection Partnership
Team:	Licensing
Lead Officer:	Julia O'Brien
Title of Project/System:	Revision of Statement of Licensing Policy
Date of Assessment:	5 October 2018

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	Approve updated Statement of Licensing Policy
Summary of relevant legislation:	Licensing Act 2003
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Charlie Fletcher
Date of assessment:	5 October 2018

Is this a:		Is this:	
Policy	Yes	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To publish a revised Statement of Licensing Policy
Objectives:	Transparency of how the Council deals with matters under the Licensing Act 2003
Outcomes:	Greater understanding in the trade and other interested bodies
Benefits:	Reduction in negative impacts associated with licensing

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	No impact	
Disability	No impact	
Gender	No impact	

Reassignment		
Marriage and Civil Partnership	No impact	
Pregnancy and Maternity	No impact	
Race	No impact	
Religion or Belief	No impact	
Sex	No impact	
Sexual Orientation	No impact	
Further Comments relating to the item:		
No further comments		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: No evident contribution on inequality	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: No evidence the revised Statement will have an adverse impact.	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Charlie Fletcher

Date: 5 October 2018

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

Appendix C

Statement of Licensing Policy – Supporting Information

1. Introduction/Background

- 1.1 Section 5 of the Licensing Act 2003 requires all Licensing Authorities to prepare and publish a Statement of Licensing Policy (SLP) with respect to the exercise of its licensing functions.
- 1.2 The SLP will last for a maximum of five years and can be reviewed and revised by the authority at any time.
- 1.3 The Council's present SLP was published on 12th December 2013 and therefore must undergo a review and be republished on or before 11th December 2018.

2. Supporting Information

- 2.1 The 2013 SLP has served its purpose. This new policy has significantly updated the 2013 SLP including taking account of broader legislative changes. Due to the general reformatting of the Statement, it has not been possible to include all of the amendments as track-changes. However, a summary of the material changes are as follows:
 - Revised introduction confirming purpose and scope
 - Added section 2 on general principles and processes
 - Added section 3 on making an application (NB there is detailed guidance for applicants on the 'how-to' at <http://www.westberks.gov.uk/index.aspx?articleid=28111> which is kept separate from the policy so it can be updated immediately as required)
 - Added section 4 about the purpose of the Operating Schedule
 - Added sections 5-8 with suggestions for each licensing objective about what the licensing authority would expect to see considered with applications
 - Added section 9 on representations and mediation
 - Added section 11 on decision making
 - Added section 13 on personal licences and section 14 on club premises certificates
 - Added section 15 about the management of licensed premises
 - Added complaints and inspections to section 16 with enforcement
 - Added section 17 about reviews of premises licences
 - Added Appendix A – list of consultees and Appendix C – Glossary
 - Removed responsible authority contact list – covered within the guidance for applicants as per link above
- 2.2 Further amendments have been considered in light of the consultation responses, as outlined at section 6. However, it is felt that following the amendments made to the SLP, the majority of the matters raised have been sufficiently addressed. Additionally, some of the comments received include suggestions which are already mandatory, such as the provision of tap water in 'on-licensed' premises, or are felt

to be sufficiently covered in national guidance, such as that produced under section 182 of the Act. More details on the analysis of consultation outcomes is given at Appendix D to this report.

- 2.3 It should be noted that as part of the wider Public Protection Partnership (PPP) this policy has been drafted in consultation with colleagues across Bracknell and Wokingham. It is a stated objective of the PPP to reduce duplication and derive efficiency from economies of scale. There may be occasion where terminology is used to describe processes which vary from authority to authority. It is acknowledged that as part of the feedback process these may be amended to suit the individual authorities own style and culture.

3. Options for Consideration

- 3.1 There were no other options considered. This SLP has been subject to consultation with interested parties and the wider public.

4. Proposals

- 4.1 That the Council approves the revised SLP at Annex E.

5. Conclusion

- 5.1 There is a mandatory duty on the Council to publish an updated SLP and the substantive policy objectives being proposed are considered to be in the best interests of the Council and the trade. A public consultation has also informed this process.
- 5.2 The updated SLP is also seen as being broadly consistent with our PPP partners' objectives and whilst there may be some localised deviations they are only minor in nature, enabling the Council to benefit from economies of scale and resilience.

6. Consultation and Engagement

- 6.1 A consultation was carried out between 20th August 2018 and 5th October 2018. The bodies consulted are included at Appendix A of the revised Statement.
- 6.2 Details of the responses received to this consultation are included at Appendix D of this report.
- 6.3 It is noted that some of the comments received are general comments rather than specific responses to the SLP that has been drafted.
- 6.4 Early discussions with the Chairman of the Licensing Committee and members of the Committee who expressed an interest in its development have informed the revised SLP.

Background Papers:

None

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval



- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only
-

Wards affected:

All

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

- P&S – Protect and support those who need it**

The proposals contained in this report will help to achieve the following Council Strategy priority:

- P&S1 – Good at safeguarding children and vulnerable adults**
-

Officer details:

Name: Charlie Fletcher
Job Title: Licensing Officer
Tel No: 01344 352550
E-mail Address: Charlie.fletcher@westberks.gov.uk

Appendix D

Consultation Responses

Public Health and Wellbeing West Berkshire Council

- The Licencing Authority recognises that the health and wellbeing of communities can be adversely affected by drinking alcohol.
- The licensing authority recognises that alcohol related harm places increasing demands on the health service. Therefore preventative steps must be taken in order to protect and improve the health and wellbeing of our community
- There is also potential for health bodies to participate in the licensing process in relation to the protection of children from harm. This objective not only concerns the physical safety of children, but also their moral and psychological wellbeing.
- Evidence relating to under-18s alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol, could potentially have implications for both the protection of children from harm and the crime and disorder objectives. Health bodies can provide evidence to lead or support representations in relation to this objective. In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and licensing authorities, about a prevalence of proxy purchasing in a particular area.
- Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.
<https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-016-2766-x>
- The promotion of public health is not a licensing objective as set out in the Act. However, the Licensing Authority would seek to encourage and support where appropriate, any voluntary initiatives that premises may wish to adopt to help reduce alcohol harm within our communities.
Such initiatives may include:
 - Avoiding the sale of beers, lagers and ciders over 6.5% ABV which are sold in plastic bottles or metallic cans, (Note: this does not include premium, craft or specialist products as these are not a target for problem drinkers);
 - Taking steps to consider the display of alcohol in such a manner that will not unduly encourage people to drink irresponsibly and equally limit the exposure children have to alcohol advertising;
 - Refraining from placing alcohol products amongst, near or next to confectionary that would usually be consumed by children or young people (which would include till point toys or stickers);
 - The use of breathalysers as a means of determining intoxication and supporting door staff decisions not to admit, or serve customers who are already intoxicated;
- A shift in drinking patterns and consumption gives rise to concerns that harm from alcohol may now be driven by low cost "off" sales, and not necessarily by sales in pubs. We recognise that the more visible harms created by drunk and disorderly behaviour in the night-time economy are also increasingly driven by pre-loading cheap alcohol from shops and supermarkets.
- There is also a responsibility under the protection of children that we identify that Child exploitation is often associated with young people being coerced or encouraged to drink or alcohol may be a factor in risk taking behaviour by young

people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement.

- I also have a concern regarding road safety and alcohol sales particularly the sales in Garages and service stations and wonder if we could perhaps have a discussion around restricting sales after 11pm and before 6am. West Berkshire have a high incidence of alcohol related Road Traffic Accidents which increased dramatically in 2014-16. We are red on this indicator. I would like to see something in the policy about restricting sales in Garages but am unsure what can be done around this. Gateshead do have something in their policy around monitoring sales of fuel and other goods. I am not sure if you monitor this in any way.
- I would also like to see something in the policy- possibly as an appendix similar to the appendix provided by Portsmouth about responsible drink promotions free water and the availability of smaller measures
- Our interest is regarding the cumulative impact section which lays out that objections on the basis of cumulative impact will be considered if the objector can demonstrate the impact on public nuisance. I would like the policy to allow provision for objection on the basis of health, for example if the objector can demonstrate that the area suffers from significant health issues such as obesity or alcohol admissions then the Licensing Authority will consider the impact of late night refreshment applications/ alcohol sales etc.
- Paragraph 6.2 – reference should be made to the Health and Wellbeing Board as a major partnership forum and the Safer Communities Partnership should be replaced with 'Building Communities Together Partnership' (which fulfils the role of the SCP).

Holybrook Parish Council



Holybrook Parish Council

Serving the communities of Beansheaf Farm & Fords Farm

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Calcot
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18th September 2018

Cheryl Lambert
Public Protection Partnership
Environmental Health and Licensing
West Berkshire District Council
Council Offices, Market Street
Newbury, Berkshire RG14 5LD

Dear Mrs Lambert

Ref: Licensing Policy Consultation

Thank you for inviting Holybrook Parish Council to comment on WBCs Review of Statement of Licensing Policy.

Whilst it is acknowledged that the policy is based on standardized directives, Holybrook Parish Council make the following comments/observations:

- Section 4.8.4 'guidance and assistance to licence applicants'
Please consider adding: '.... and information for those wishing to make an objection'.
- Section 4.10.4 'The Licensing Authority will inform.....'
Holybrook Parish Council ask that 'residents directly affected by the proposal' be added to the list.
- Sections 5.5
It is requested that 'reasonable' be replaced with a more specific guideline. It is suggested in earlier paragraphs that this may be two calendar months. However, of course, 10 working days could actually be considered reasonable.
- Section 16 (The Late Night Levy)
Holybrook Parish Council wish to know why the decision has been taken by WBC to not charge the Late Night Levy?

We look forward to your response.

Yours sincerely



Pamela Kirkpatrick, Clerk, Holybrook Parish Council

PLEASE ADDRESS ALL CORRESPONDENCE TO THE CLERK

Punch Taverns



WEST BERKSHIRE COUNCIL STATEMENT OF LICENSING POLICY CONSULTATION

Punch Taverns Response

Punch is one of the UK's largest leased pub companies, with around 1300 pubs across the UK. From the spirit of our local community pubs, the energy of our lively city centre hot spots and sports bars, to the warmth and calm of our inviting country inns; our pubs are the heart of all we do.

We are a business of people that love pubs! With a mixed estate of high quality leased, tenanted and retail pubs, our years of experience have enabled us to develop a leading proposition for those wishing to work with us and run a pub business of their own. We provide industry leading, tailored business support to our Publicans and develop market-leading, flexible agreements and retail concepts to suit all aspirations.

Under the ownership of Patron and May Capital, we have exciting plans to grow our business: longer term through potential acquisition opportunities and – in the here and now – by substantially investing in our teams, our pubs and Publicans.

Corporate Social Responsibility (CSR) is embedded across many elements of our business, from corporate fundraising to responsible retailing. We have dedicated teams in place to assist in ensuring that our premises operate to the highest standards. We strive to ensure that our pubs are not operating irresponsible drinks promotions or serving underage drinkers or those who are intoxicated.

The Punch Buying Club, our online ordering and communications portal, also has a section dedicated to Risk Management providing our Publicans with a wide range of downloadable educational tools, advice and pub-friendly materials, which can be used by pub managers and team members.

As supporters of Drinkaware we do not condone irresponsible promotions and pricing of alcohol, and we have actively supported Drinkaware's campaigns to help tackle binge drinking amongst 18 to 25 year olds. Responsible retailing forms a key part of our Publican training and we provide clear guidance on current legislation and best practice. We also support industry led initiatives to promote responsible retailing and are active members of industry trade bodies such as British Beer Pub Association (BBPA) and the British Institute of Innkeeping (BII).

We are pleased to be able to contribute to this consultation, we have always prided ourselves with working with Local Authorities and Responsible authorities.

We would like to make the following points some which are specific to the policy and referenced and some which are more general which we would ask be taken into account.

Section 4: The Licensing Process

4.11 refers to the process being quasi-judicial in nature. With respect, this is not the case, the process is administrative. This was succinctly set out by the House of Lords in their recent 10-year review of the Licensing Act 2003, where their Lordships state:

"The licensing function of a licensing authority is an administrative function... The licensing authority has a duty, in accordance with the rule of law, to behave fairly in the decision-making"

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procedure, but the decision itself is not a judicial or quasi-judicial act. It is the exercise of a power delegated by the people as a whole to decide what the public interest requires." (para 98)

Section 6: Partnerships and Policy Integration

We are pleased to see a section on policy integration.

Licensing policies works best when they reference, and indeed work with, other council strategic plans and policies. For instance, planning strategies and local cultural strategies often inform applicants for either new licences or variations to licences as to what the council are looking to do in terms of promoting culture, leisure use and night-time economy uses in a particular area.

Often it can be difficult to find these documents online and therefore reference to them and indeed a general statement that the authority will take into account other strategies is both a pertinent and of benefit to applicants and responsible authorities alike.

Links to specific strategies will also assist new potential businesses to understand and factor in the likely costs of entry into the area.

Section 8: Licence Conditions

Whilst Punch Taverns recognise the importance of conditions on premises licences in certain circumstances, such as to prevent or to mitigate the potential risk of certain activities undermining the licensing objectives, we have a concern that more and more conditions are being placed on a licence that are then enforced as breaches of the licence in their own right. Licensing authorities are obliged to promote the 4 licensing objectives. Breaches of condition in and of themselves are an offence under Section 136 of the Licensing Act and on summary conviction can lead to an unlimited fine and/or up to 6 months in prison. It is important that this distinction is recognised in your policy and that breaches of condition in and of themselves are a matter for the Courts; whereas an undermining of the licensing objectives, which can happen with or without conditions being on the licence in any event, are the province of the licensing authority to deal with. We would suggest that this distinction is made in your policy as it will re-enforce the message both for responsible authorities and for operators who hold premises licences in your area.

Punch has always been happy to work with licensing authorities in relation to conditions being imposed on a licence where they are necessary and proportionate to achieve an identifiable aim. However, we are concerned with the prevalence of standard conditions being used across all licences within any particular class. This has taken over from a proper analysis of the need for such conditions in the first place.

In particular, we have seen a rise in conditions being imposed upon premises licences by responsible authorities, irrespective of the nature of the application being made. For instance, a variation to the plans attached to a licence to effect a simple alteration in layout and where there is no change in licensable activities, increase in customer area, or removal of internal lobbies, for instance, sometimes result in officers seeking to ride on the back of that application to impose conditions that are in no way relevant to it. The case of *Taylor v Manchester City Council* makes it clear that any conditions imposed on a premises licence when it is varied must relate to that application itself and should not stray into other areas that are not part of the application. It is important again that this is referenced in policy in order to prevent unnecessary hearings and often additional expense to applicants seeking to make simple changes to their licence but are then held to ransom by responsible authorities who know that operators are unlikely to challenge their right to impose such conditions where the cost would be send the matter to a hearing.

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We submit that the imposition of large numbers of conditions on a premises licence is self-defeating. Premises licences form one part of a significant number of regulatory requirements that must be observed by publicans and this is often forgotten by regulators who often only think in terms of their one area of expertise. This means that they often do not see the wood for the trees. Policies that set out an expectation of long operating schedules or worse, require officers to object to applications unless the applicant applies their standard conditions, place an unnecessary burden on operators without necessarily helping to promote the licensing objectives. The City of London licensing authority, for instance, will only impose conditions if deemed absolutely necessary. It is not unusual to see licences with only a handful of conditions.

The reason for this is that they expect operators to promote the licensing objectives, not go through the motions of complying with conditions because they have to. Also, licences grandfathered in 2005 would, likely have few or no conditions on them. We have seen no evidence to suggest such premises have undermined the licensing objectives more than "conditioned licences."

We would challenge any authority to suggest that this approach leads to more issues with licence holders undermining the objectives. If anything this clarity of approach means that operators are freed up to adapt their businesses as the demands of the market change, freeing up officers from having to undertake lengthy inspections of licences and then having to send out enforcement letters relating to conditions that are breached in the observation without any real evidence that the breaches themselves undermine the objectives. This in turn frees up resources for enforcement against poorly behaving premises and dealing with unlicensed operators.

Section 10: Cumulative Impact

We note that your policy excludes cumulative impact zones, and we feel that this is appropriate in these circumstances.

Cumulative impact policies can have the effect of dissuading operators from even attempting to get a licence. This unintentionally penalises operators considering smaller more novel applications (simply because of the prohibitive cost), often resulting in them looking to take their ideas elsewhere and thereby wasting a chance to develop a more rounded and vibrant economy in the CIP. For the same reason, such policies also promote ubiquity and stagnation as the only operators willing to take on the risk and outlay of applying in cumulative impact zones are larger established chains with the financial backing to fight for a licence. Given the plight of the pub market 5 years ago and now the casual dining market, in part because their offers failed to change as the market developed around them, the use of CIPs needs careful oversight to ensure it is not deterring investment

Cumulative impact assessments need to be scrutinised with an open mind. Stagnation will kill a vibrant area and CIP's, if left to choke the area they were designed to protect can do as much damage as good. If a CIP is deemed necessary, we would expect that it clearly and explicitly states the type of premises that it intends to apply the rebuttable presumption to, for instance, nightclubs or off-licences, rather than just applying to all licensed premises. This would allow for an area to gradually adapt and change with the policy, so long as the policy then adapts and changes to the area.

Section 13: The Planning System

We feel it is a useful guide for applicants and responsible authorities to have a statement in your policy that reflects the fact that licensing and planning are entirely separate regimes albeit there is overlap in terms of the licensing objectives and planning's 'amenity' remit. In practical terms this means that neither planning nor licensing should need to be obtained first, so long as the applicant understands that both regimes need to be complied with.

We would also urge you to clarify in your policy that where conditions are stipulated on a planning permission, such as restriction on hours or activities, these do not need to be

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repeated in the premises licence, unless there is good reason to do so. Often conditions relating to extract systems, closing times of external areas, etc. appear on both permissions and on occasion they do not even mirror the other. This leads to additional and unnecessary expense for licence holders should such conditions need to be amended.

Paragraph 1.19 of the Guidance makes it clear that overlap between regimes should be avoided where possible.

Other matters we would ask the committee to consider

Agent of Change

Whilst we recognise that the principle is currently being debated in terms of planning, it is equally as important in licensing. We recommend that the licensing policy expressly recognises that developers of new residential developments need to protect their buyers from potential sources of noise disturbance, not expect existing licensed premises to have to adapt their offer to accommodate the new development. In particular, small pubs often rely on live or recorded music, provision of social events and other community based promotions, such as beer festivals, in order to survive and thrive.

We have, unfortunately, seen a rise in complaints and reviews directed at existing premises that have often been at the heart of the community for over a century, from residents moving into new properties nearby. Whilst it is incumbent upon licence holders to promote the licensing objectives, it is iniquitous and arguably a breach of their Article 1, Protocol 1 human right to peaceful enjoyment of property, which includes their premises licence, to have their livelihood threatened and sometimes taken away because of poorly designed and constructed residential property built next door.

GDPR

We note that the policy does not make reference to the GDPR

One of the most significant changes in recent times has been the change to data protection legislation introduced via GDPR. Whilst the obvious effects of this regulatory change relate to protecting personal data held on behalf of individuals, such as social media, mailing lists, email data bases and various other forms of storage of someone else's data, there are other effects that need to be reflected in licensing policy.

For instance, the requirement for CCTV at a premises licence is not only expensive to install, but we question the value of such systems in terms of crime prevention and detection, especially in smaller community pubs. However, it is now commonplace for police to demand CCTV in almost all premises and to insist upon complicated and demanding CCTV conditions to be added to premises licences. In addition, operators of CCTV systems have to consider the GDPR implications. In particular, anyone who stores data, including CCTV footage of individuals, which is classed as data for the purposes of GDPR, must be responsible for its safe collection, storage, usage and disposal. Handing over CCTV footage to Police officers in the active investigation of a criminal offence, such as a fight, would obviously be a legitimate reason for providing data. However, a condition with a general requirement to hand over CCTV at the behest licensing officer or police officer would arguably breach GDPR were it to be enforced. This means that there are numerous CCTV conditions on licences that would likely, were one to try and enforce them as they are written, cause an operator to breach GDPR. Similarly, club scan conditions need to be thought about in terms of GDPR and the obligations of the data holder. For instance, the time for which any data is stored and the purpose for storing that data needs to be made clear to people handing over their data. Again conditions that require such data to be handed over at the behest of an officer other than in investigating a criminal offence would in all likelihood breach GDPR.

We feel therefore that this need to be addressed in the policy in order to ensure that conditions are updated to ensure compliance and that CCTV in particular is not being universally required where there is no real and pressing need for it.

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Prevention of Public Nuisance

The prevention of public nuisance licensing objective is to be widely interpreted, as set out in the Statutory Guidance. However, we often come across conditions imposed on licences, as well as the investigation of complaints that do not relate to public nuisance. For instance, conditions that refer to 'nuisance', rather than 'public nuisance', set a significantly higher barrier-one that was not intended by the Licensing Legislation. We also see this in terms of enforcement action where often enforcement officers will allege that a nuisance, often a private nuisance, has occurred and demand action under the terms of the premises licence. Clearly this is beyond that which was intended by Parliament and therefore we suggest that your policy reflects the need for public nuisance to be demonstrated and for conditions relating to nuisance to relate to public nuisance rather than any wider definition. In particular, we suggest that expressly stating that private nuisance is not a licensing objective would assist in all parties understanding what is and is not the remit of licensing legislation.

Minor Variations

The use of minor variations is a very useful tool and we feel that your policy should reflect this. Minor variations are there to ensure that cost and time is saved where appropriate for applicants seeking to make changes to their licence that would not undermine the objectives. We feel it would assist if you set out in your policy those applications that would fall ordinarily within the minor variation class. We would propose these are as follows:-

- Changes to layout that do not increase the customer area (beyond a de-minimis increase of, we would suggest, 10%).
- Amendment and removal of conditions in agreement with responsible authorities.
- Changes to opening times to allow for earlier opening for premises for non-licensable activities, ie. to permit premises to open to serve coffee and/or breakfast.
- Removal of conditions that are no longer relevant to the operation of the premises or are redundant following imposition of new law, such as the Regulatory Reform (Fire Safety) Order 2005.

On and Off-Sales

Recently we have become aware that the definition of on and off-sales has caused some confusion. In particular there appears to be confusion around whether an off-licence is required for customers to take drinks outside premises, for instance onto the pavement, and consume their drinks there.

We contend that such a sale is an on-sale. If one considers the nature of the offence of selling alcohol without the appropriate licence, it is clear that the intention is that the person making the sale is the one who would be charged with the offence, rather than, say, the purchaser. Therefore, in selling a drink in an open container for immediate consumption, it cannot be argued that the publican has made anything other than an on-sale. It is inconceivable that the law intended that should this person step outside the premises, or indeed take that drink away with him, that this would somehow transform that on-sale to an off-sale. The terms 'on' and 'off sales' originate from the Licensing Act 1964. Analysis of the legislation (by reference to off-sales) demonstrates that all off-sales had to be intended to be sold for consumption away from not only the licensed premises but any land associated with that premises or land immediately adjoining it for them to be considered an off sale. The intention was to ensure that in a situation where a seller makes an on-sale, that on-sale does not become an off-sale simply by means of it being consumed in the immediate environment of the premises, such as an unlicensed garden or on the pavement outside the pub.

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As such, we feel that this needs to be clarified in the policy. We would propose a statement along the following lines:-

"On and off-sales are defined by reference to the intention of the seller at the time of sale. A sale in an open container for immediate consumption at the premises is an on-sale. This extends to where the person who has purchased the drink at the bar and then consumes it either in a pub garden or on the pavement immediately outside the premises.

An off-sale is a sale designed for consumption away from the premises and its immediate environs. This will usually be in a sealed container such as a bottle or can and the seller when selling that drink had no intention for the purchaser to remain at the premises to consume it"

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Statement of Licensing Policy

Licensing Act 2003

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1. Introduction, Purpose and Scope

- 1.1 The Licensing Act 2003 ('the Act') requires West Berkshire District Council ('the Council'), as the Licensing Authority, to publish a 'Statement of Licensing Policy' ('policy') every five years. In creating this policy, the Licensing Authority is seeking to protect and where possible to improve the look and feel of West Berkshire district, attracting visitors and making it a stimulating and enjoyable place in which to live, study and work.
- 1.2 The main purpose of this policy is to provide clarity to applicants, responsible authorities, elected Members and other persons on how the Council will determine applications made under the Act. It will also inform elected Members of the parameters within which licensing decisions can be made.
- 1.3 An effective licensing policy, alongside other initiatives, will work towards promoting the positive aspects of deregulation under the Act, such as promoting leisure provision and encouraging the regeneration of the town centre as well as controlling any negative impacts such as increase in crime and disorder, noise, nuisance and anti-social behaviour.
- 1.4 The Licensing Authority is committed to promoting a broad range of entertainment, recognising the wider cultural benefits for local communities. Live performance is central to the development of cultural diversity and vibrant, exciting communities, particularly traditional entertainment such as circuses and street arts. The Licensing Authority recognises that artistic freedom of expression is a fundamental right and should be greatly valued.
- 1.5 The Council recognises that licensed activities make an important contribution to the economy of the district. By regulating activities under this legislation the Council acknowledges that a balance must be struck between the legitimate objectives of applicants and the desires of the population as a whole, and in particular those members of the public living, working or engaged in normal activity in the area concerned. Consideration will be given to these, often conflicting, positions and all views will be taken into account when making licensing decisions or determining a course of action.
- 1.6 It should be understood that this policy cannot anticipate every scenario that may arise and as such there may be circumstances where the policy may be departed from in the interests of the promotion of the licensing objectives and where it is deemed appropriate to do so. In such cases the Council will give full reasons for departing from this policy.
- 1.7 The Council will carry out its licensing functions under the Act with a view to promoting the four licensing objectives, which are:
 - (a) Prevention of Crime and Disorder;
 - (b) Public Safety;
 - (c) Prevention of Public Nuisance; and
 - (d) Protection of Children from Harm.

- 1.8 The Licensing Authority is committed to working in close partnership and communicating with all licensees, responsible authorities and other persons where appropriate in order that they have a clear understanding of the legislative requirements. The Licensing Authority will continue to develop close working partnerships with other appropriate agencies and responsible authorities.
- 1.9 This policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators, for example, the Health and Safety at Work etc. Act 1974 and the Regulatory Reform (Fire Safety) Order 2005. In addition, it should be noted that the planning and licensing regimes are separate. There is no legal basis for the Licensing Authority to refuse a licence application because the premises does not have planning permission.
- 1.10 The Council is conscious of the need to promote equality and when considering licensing matters will give due regard to the prevention of discrimination and promotion of equality of opportunity.
- 1.11 In determining the policy, the Council has taken into consideration any comments made by consultees, the statutory guidance issued under section 182 of the Act and the experience of administering and enforcing the Act since its introduction.
- 1.12 This policy takes effect on 7 December 2018 and will remain in force for a period of no more than five years. During this time it will be subject to regular review and updating or modification as appropriate, for example to take account of any changes in licensing legislation, with appropriate consultation on any material changes.
- 1.13 Comments on the policy may be made in writing to the Licensing Authority at any time. Contact details can be found towards the end of this document. All comments received will be carefully considered and, where appropriate, included in the policy.

2. Licensing Principles and Process

- 2.1 The Council is the Licensing Authority under the Act and is responsible for granting premises licences, club premises certificates, personal licences and acknowledging temporary event notices in the district. The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives.
- 2.2 There are four main licensable activities under the Act:
- (a) retail sales of alcohol;
 - (b) the supply of alcohol by or on behalf of a club
 - (c) the provision of regulated entertainment; and
 - (d) the provision of late night refreshment.

- 2.3 This policy sets out the process the Council will adopt in dealing with licence applications and will be used as a basis in coming to consistent and transparent decisions in respect of licence applications. The overriding principle adopted by the Council will be that each application is determined on its merits. Every application will be treated fairly and objectively, taking into account the four licensing objectives, the policy and the statutory guidance issued under section 182 of the Act.
- 2.4 Each of the four licensing objectives is of equal importance and will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the operation of that business has on the vicinity. The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Act is not a primary mechanism for controlling general nuisance unconnected to licensable activities or the licensing objectives.
- 2.5 It is acknowledged that public concern over disorder in particular may be thought to be a result of licensing legislation only. The Council can only have regard to the provisions of the Licensing Act 2003 when determining an application. However the Council recognises that other mechanisms exist to control disorderly behaviour, e.g. planning controls, town centre management arrangements, confiscation of alcohol from adults and children in designated areas, and Police enforcement powers.
- 2.6 When determining applications, the Licensing Authority must be satisfied that the applicant's operating schedule (please see section 4) seeks to promote the four licensing objectives. The Licensing Authority will make decisions guided by this policy but will not fetter its right to discretion. In the interests of the safety and wellbeing of all users of the facilities it licenses, the Licensing Authority expects licensees to adopt best practices for their industry. This policy further outlines the expectations of the Licensing Authority and should assist applicants.
- 2.7 The Licensing Authority recognises that conditions attached to various authorisations will be focussed on matters which are within the control of the licence holders. Conditions shall be proportionate and appropriate to achieve the promotion of the licensing objectives, and shall be tailored to suit the circumstances and premises.

3. Making an Application

- 3.1 The relevant application forms and associated documents are obtainable from the Council's website or from the licensing team on request. It is strongly recommended that all applicants consult with the Licensing Authority prior to submitting an application. It may be appropriate to submit a draft application for comments.
- 3.2 The Council are happy to accept applications electronically. Applicants are advised to contact licensing@westberks.gov.uk for information.
- 3.3 A plan must be attached to an application for a premises licence or a club premises certificate. The plans do not have to be professionally drawn, however

they must be to scale and contain the relevant information as required under regulation. The plan should be at a scale of 1:100; however the Council will accept plans of an alternative scale provided this is approved prior to submitting the application.

- 3.4 Where a licensed premises is being constructed, extended or structurally changed, the applicant may apply for a provisional statement. This will be processed in the same way as a new licence application. However the provisional statement will not automatically be converted into a full licence on completion of works, and the applicant will have to submit a new licence application. It is acknowledged that unless representations are made at the provisional statement stage, or are not made without reasonable excuse, and neither the premises/vicinity has changed nor the type of licensable activities taking place, the licence will be granted. The applicant will be required to submit a full schedule of works, including a statement of the licensable activities for which the premises are proposed to be used as well as the plans and proposed hours of use, in order to allow the Licensing Authority to make an informed decision.
- 3.5 Where conditions have not been adhered to in the past, the Licensing Authority will expect applicants to have taken action to address those issues. Applications may be refused where there are significant outstanding issues.
- 3.6 In particular, for large scale events, it is suggested that the event should be referred to the Safety Advisory Group in advance of submission of an application.
- 3.7 With regard to shops, stores and supermarkets, the normal scenario will be for such premises to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless representations raise reasons, based on the licensing objectives, for restricting those hours.
- 3.8 In some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided.

4. The Operating Schedule

- 4.1 All applicants for the grant or variation of a premises licence or club premises certificate are required to provide an operating schedule as part of their application. This is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. The Council expects an operating schedule to indicate the steps that the applicant proposes to take to promote the licensing objectives. This should follow a thorough risk assessment relating to the specific premises and licensable activities proposed to take place.
- 4.2 Applicants are strongly recommended to discuss their operating schedule with the responsible authorities prior to submitting the application. The Licensing Team can assist in co-ordinating this process.
- 4.3 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises. It must include details of the following:

- (a) Full details of the licensable activities to be carried on at and the intended use of the premises;
 - (b) The times during which licensable activities will take place;
 - (c) Any other times when the premises are to be open to the public;
 - (d) Where the licence is only required for a limited period, that period;
 - (e) Where the licensable activities include the supply of alcohol, the name and address of the individual proposed to be designated premises supervisor;
 - (f) Whether alcohol will be supplied for consumption on or off the premises or both; and
 - (g) The steps the applicant proposes to promote the licensing objectives.
- 4.4 Where measures to promote the licensing objectives are included in the operating schedule, these may be used to form conditions attached to the licence and should therefore be clear, concise and unambiguous.
- 4.5 The following guidance is intended to assist applicants by setting out criteria and considerations that they should bear in mind when drawing up an operating schedule. They alert applicants to any matters that responsible authorities are likely to consider when deciding whether to make representations on an application or whether to call for a review of the premises licence.
- 4.6 A pool of model conditions is available on request from the Licensing Team. Individuals preparing operating schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives.

5. Licensing Objective 1: Prevention of Crime and Disorder

- 5.1 The Licensing Authority is committed to reducing crime and disorder to improve the quality of life for the people of West Berkshire. Good management and practice procedures in licensed premises can make an important contribution to lessening the impact that consumption of alcohol can have on crime and disorder. The Licensing Authority and Thames Valley Police through the Building Communities Together Partnership will regularly monitor and review crime statistics within the district and their association with alcohol. When applying conditions, the Council will be mindful of the local Community Safety Strategy.
- 5.2 Licensees are encouraged to work in partnership with a local Pubwatch scheme to form strategies for actively preventing crime and disorder issues. This scheme encourages the sharing of information and seeks to address matters such as underage sales, drunkenness, illegal drug use and anti-social behaviour.
- 5.3 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and event; for example

- Prevention of use, sale or supply of illegal drugs on the premises, and procedures and provision for storage of seized items.
 - Prevention of drunkenness and alcohol abuse such as drinking games and irresponsible drinks promotions.
 - Security features such as provision and storage of CCTV - capable of retaining recording images for a period of 31 days from the date of an event and to an identifiable standard (bearing in mind the need to comply with data protection regulations)
 - A prescribed capacity limit
 - Use of door staff to control entry to the premises
 - Procedures for ejection or dispersal of persons from the premises
 - Procedures for dealing with harassment, discrimination and inappropriate behaviour.
 - Use of polycarbonate/plastic containers and toughened glass and prevention of persons taking drinks from the premises in open containers
 - Display of crime prevention notices
 - An appropriate ratio of tables and chairs to customers based on capacity
- 5.4 Wherever possible, applicants are expected to be aware of local groups known to incite violence or hatred or take part in extremist activities in order to prevent the likelihood of meetings resulting in crime and disorder. Licensees will be expected to take into consideration the potential impact on privacy or religious freedom and the ethnic and cultural composition of the local area when hosting these meetings. The Licensing Authority recognises the need to promote the elimination of unlawful discrimination and equality of opportunity and recommends licensees seek guidance from the Equality and Human Rights Commission <http://www.equalityhumanrights.com/> or by contacting them on 0808 800 0082.

6. Licensing Objective 2: Public Safety

- 6.1 When visiting licensed premises, members of the public have a right to be confident that due consideration has been given to their physical safety. Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps which will be taken to ensure public safety. Such steps will be dependent on the individual style and characteristics of the premises and/or event(s) to be held. It should be noted there is an overriding legal duty to comply with the provisions of Health and Safety at Work legislation, including risk-assessment and control.
- 6.2 The Licensing Authority has a Safety Advisory Group ('SAG') and, where appropriate, applicants are encouraged to seek the group's advice on issues of public safety. For example, a licensee who wishes to stage a licensable public

event which is not specifically indicated in the operating schedule may be invited to approach the SAG. When applying for licensable events on Local Authority property, the applicant may be required to present an event plan to the SAG.

6.3 Applicants may wish to consider inclusion of the following steps within their operating schedule with a view to the safety of persons attending the premises:

- Evacuation procedures including measures for disabled persons
- Maintenance of alarm systems and emergency lighting
- Maintenance of all escape routes and exits
- Safety checks and records in a log book
- Access for emergency vehicles
- First aid equipment and trained first aiders
- Appropriate lighting and ventilation and monitoring of noise levels
- Checks on temporary electrical installations
- Use of special effects such as lasers, pyrotechnics and smoke machines
- Control of any animals at the premises
- Use of door supervisors or stewards
- Procedures to ensure safety of women and vulnerable persons
- Provision of potable water (mandatory for premises with on-sales of alcohol)

6.4 For indoor sports entertainment or where special provision must be made for the safety of the public, applicants may wish to consider inclusion of the following steps within their operating schedule:

- Provision of qualified medical practitioners
- Where a ring is involved, that it be constructed and inspected by a competent person and any material used to be flame retardant
- Where there is wrestling or similar entertainment that the public do not occupy any seat within 2.5 metres of the ring
- Where there is a water sports event, appropriate provision of staff adequately trained to be available and remain in the vicinity at all times.

7. Licensing Objective 3: The Prevention of Public Nuisance

- 7.1 The Licensing Authority interprets 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour. Public nuisance could include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community.
- 7.2 The Council is committed to minimising the adverse impact of licensable activity, whilst not unduly restricting the reasonable provision of licensed activity. It is noted that there are mechanisms other than the licensing regime that are available for addressing public nuisance away from the licensed premises. Examples include planning controls and Public Spaces Protection Orders.
- 7.3 The Licensing Authority, whilst recognising the need to treat every application on its own merits, should be satisfied that the type of licensable activities proposed and hours of operation will be suitable for the location in which the premises are situated (e.g. areas of dense residential accommodation). Playing of music can cause nuisance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. Other major sources of noise nuisance are vehicles collecting customers, the slamming of car doors and the sounding of horns. These noises can be particularly intrusive at night when ambient noise levels are lower.
- 7.4 Where premises are located near to noise-sensitive areas, e.g. residential premises, nursing homes, hospitals or places of worship, the licensee should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.
- 7.5 In considering applications, the Licensing Authority will expect to see, where appropriate, evidence that the following matters have been addressed in the operating schedule:
- Measures to reduce noise and vibration escaping from the premises; including noise from music and voices whether or not amplified
 - Consideration of the licensed hours and restrictions on when licensable activities can take place both indoors and outdoors
 - Monitoring checks and logs of any checks carried out
 - Prevention of noise from deliveries or waste collections, or disposal of glass bottles etc., at unsociable hours
 - Measures to encourage quick and quiet dispersal by customers and staff including provision for access to book taxis, lowering the volume of music during the last 30 minutes before closing time and procedures for the safe removal and dispersal of persons ejected from the premises

- Measures to control light to ensure that it does not stray outside the boundary of the premises so as to give rise to problems to local residents and businesses
- Measures to control nuisance that might be associated with the use of the external areas, particularly late at night, including supervision of the areas and specified times during which food and drink will not be permitted to be consumed in the external areas.
- Measures to control litter and odour associated with use of the premises.

8. Licensing Objective 4: Protection of Children from Harm

8.1 This objective includes the protection of children from moral, psychological and physical harm. The applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Applicants will be expected to consider the risk of children being exposed to alcohol, drugs, gambling, activities of an adult and/or sexual nature and exposure to excessive noise or incidents of violence and disorder. Such steps as are required to deal with these identified concerns should be included within the applicant's operating schedule.

8.2 The provisions of the Act are that unaccompanied children under 16 should not be on 'premises being used exclusively or primarily for the supply of alcohol' (e.g. 'alcohol led' premises such as pubs, bars and nightclubs). In addition, it is an offence to allow unaccompanied children under 16 on premises licensed to sell alcohol for consumption on the premises between midnight and 05:00.

8.3 Where appropriate, applicants should state in their operating schedule:

- (a) whether or not they will admit children to any or all parts of the licensed premises;
- (b) where children are to be admitted, the steps that will be taken to protect children from harm, for example supervision requirements, provision of designated areas for children and families, and hours during which children will not be permitted to be on the premises.

The applicant will also be expected to consider provision for lost and found children (in particular at large public events).

8.4 Where appropriate, the Licensing Authority will expect the applicant to evidence how they will supervise children who are performing in an event with regulated entertainment event and what consideration will be given to the welfare of children at attractions or performances likely to attract children. Where children are supervised, the Licensing Authority will expect the operating schedule to demonstrate that these supervisors have been appropriately checked by the Disclosure and Barring Service.

8.5 Where events are taking place that are provided solely or mainly for children, for example an under-18s disco, the expectation is that no alcohol will be served.

8.6 Applicants are required, where appropriate, to set out in their operating schedule the arrangements they have in place to prevent the sale of alcohol and age-restricted items to children. The Council expects all applicants to apply a Challenge 25 policy in respect of age restricted items. Where such a policy is not proposed within the operating schedule, it is expected that the applicant provides justification as to why such a policy is not required. The Licensing Authority recommends use of any of the following as an acceptable proof of age:

- (a) Passport
- (b) Photocard driving licence issued in the European Union
- (c) Proof of Age Standards Scheme Card (PASS)
- (d) Official ID card issued by HM Forces or by a European Union country bearing a photo and date of birth of holder.

Consideration should also be given to training (including refresher training) for staff, and records to evidence this training. In addition there should be means of recording challenges and/or refusals relating to potential sales of alcohol to underage persons.

8.7 Where there are off-licence sales, the Licensing Authority would expect the operating schedule to demonstrate how the licensee will discourage the sale of alcohol to customers on behalf of children in the vicinity ('proxy sales'). For example, if the licensee has any suspicions of this activity to ask the customer if they have been approached by children to purchase alcohol and if necessary contact the Police.

8.8 Applicants from retail outlets which use self-scanning devices or which offer delivery of alcohol will be expected to demonstrate how they are going to prevent the purchase or delivery of alcohol by persons under the age of 18 and how they will comply with Challenge 25, where applicable.

8.9 The Licensing Authority will also expect applicants to set out in their operating schedule the measures that they will take to ensure that alcohol is not sold by persons under 18 unless specifically approved by a responsible person, or they are working as a waiter/waitress in a specially designated part of the premises and alcohol is sold only with a table meal.

8.10 Where appropriate, the Licensing Authority would expect applicants to demonstrate in their operating schedule that they will observe industry best practice guidance on the naming, packaging and promotion of alcoholic drinks to prevent children from being enticed into purchasing these products.

8.11 Licensees are encouraged to inform the appropriate agencies where it has been highlighted that children have tried to purchase alcohol and/or illegal substances.

8.12 In relation to exhibition of film, the Licensing Authority will expect the operating schedule to demonstrate that entry shall be controlled to protect children from exposure to strong language, sexual content and other inappropriate matters.

- 8.13 The Licensing Authority proposes to abide by the recommendations of the British Board of Film Classification, but the Licensing Authority reserves the right to re-classify any film. Information regarding such classifications will be published on the Council's website. All requests for a classification must be accompanied by a synopsis of the film and a full copy of the film in DVD or other appropriate format, and submitted at least 28 days before the proposed screening. Failure to submit a request in time may result in the Council being unable to classify the film. Requests shall be assessed against the BBFC guidelines and the licensing objectives.
- 8.14 The Licensing Authority recognises the West Berkshire Safeguarding Children Board as the competent body and responsible authority to advise matters relating to the protection of children from harm.
- 8.15 In considering applications, the Licensing Authority will expect to see, where appropriate, evidence that the following matters have been addressed in the operating schedule:

- Limiting the hours that children may be present
- Excluding children when particular specified activities are taking place
- Limiting the parts of the premises to which children have access
- Age limitations
- Excluding under 18s from the premises when licensable activities are taking place
- Requiring that an accompanying adult be present
- Arrangements for restricting children from viewing age-restricted films
- Arrangements to ensure that sufficient adult staff are present to ensure that the children are protected from harm

9. Representations and Mediation

- 9.1 Where relevant representations have been submitted, the Licensing Authority shall aim to facilitate negotiations between the applicant, objectors and any relevant responsible authorities prior to the hearing. Hearings may be avoided when all parties arrive at an amicable solution to the issues raised through negotiation.
- 9.2 In determining the grant or variation of a licence, any person may make a representation, including the responsible authorities.

The Licensing Authority will consider any relevant representations received. Any of individuals or responsible authority may request a representative to make representations on their behalf. This could be a legal representative, a friend, an MP or a Ward Councillor. The Licensing Authority will inform Parish Councils,

Town Councils and elected Members of valid applications received within their areas of jurisdiction.

9.4 The Licensing Authority itself is able to make representations, but this is likely to be limited to few cases, for example to ensure appropriate and proportionate conditions are included on a licence where the operating schedule is not clear. If the Licensing Authority makes a representation there shall be a separation of responsibilities between the officer exercising that role and those who are administering the application to ensure procedural fairness and eliminate conflicts of interest.

9.5 For a representation to be relevant it must:

(a) relate to the effect of the grant of the application on the promotion of the licensing objectives;

(b) not be 'frivolous or vexatious', and

(c) in the case of a review, must not be 'repetitious' if the representation is from a person other than a responsible authority, and

(d) if it concerns the designated premises supervisor, be made by a chief officer of police and include a statement explaining the reasons for the objection.

Representations can include positive/supportive representations as well as objections.

9.6 The Licensing Authority is responsible for considering representations in the context of this policy and legal requirements in order to determine whether they are relevant. The Licensing Authority authorises suitably qualified staff to discharge duties as appropriate to their seniority, professional qualification and/or experience.

9.7 Where a representation is received, the Licensing Authority will need to consider if it is frivolous or vexatious. The Licensing Authority may also consider the representation to be 'irrelevant' if it does not directly relate to the application and its impact on the promotion of the licensing objectives. If the decision is made that a representation is frivolous, vexatious, and/or irrelevant, the person making the representation will be informed of this in writing with full reasons being given for the decision.

10. Cumulative Impact

10.1 The Council recognises that the commercial demand for another premises in an area is not a matter for licensing considerations, but more a matter for the planning process and the market.

10.2 The Council also recognises that where there are several premises providing licensable activity in the same vicinity, the cumulative impact may have an adverse effect on the community; in particular from nuisance and disorder. Accordingly, the Council may refuse additional applications if it believes that to grant a licence would undermine one or more of the Licensing Objectives, and

representations have been received from a responsible authority or other person. In addition, the Council has to be satisfied that the criteria set out in the legislation are met. As detailed earlier in this Policy, each application will be considered on its own merits.

- 10.3 If the Council considers that a 'Special Policy' is needed to deal with the cumulative impact of licensed premises, it will only do so following consultation as specified in the Licensing Act 2003 and following the proper process.
- 10.4 The Council will expect licensees and potential licensees within an area to communicate with each other and prepare their Operating Schedules so that they complement each other and collectively meet the Licensing Objectives.

11. Decision Making

- 11.1 The Council will seek to carry out its responsibilities under the Licensing Act 2003 efficiently and cost-effectively. To do this, functions are delegated in line with the Councils Constitution published online via the link cited at Appendix B. This form of delegation is without prejudice to referring an application to a Sub-Committee or the Licensing Committee if it is considered appropriate in particular cases.
- 11.2 The quasi-judicial nature of the licensing process is such that elected members and officers of the Licensing Authority can offer only limited assistance at hearings. It is important therefore that those giving evidence either as applicants or objectors consider taking legal or other professional advice and ensure they are fully aware of the procedure to be followed at the hearing.
- 11.3 In determining the application the Licensing Authority will consider:
- (a) the case and evidence presented by all parties;
 - (b) the promotion of the four licensing objectives;
 - (c) guidance issued by central Government; and
 - (d) the Licensing Authority's own Statement of Licensing Policy.

and will take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- to grant the licence subject to the operating schedule modified to such extent as the sub-committee considers necessary for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
- to exclude from the scope of the licence any of the licensable activities to which the application relates;
- to refuse to specify a particular person as the designated premises supervisor;
- to reject the application.

- 11.4 If it is reasonably considered that the licensing objectives cannot be met unless additional specific conditions are attached, then the Licensing Authority may consider attaching those which are appropriate for the promotion of the licensing objectives, proportionate to the individual style and characteristics of the event or premises concerned.
- 11.5 The decision of the Sub-Committee shall be accompanied with clear, cogent reasons for that decision, having had due regard to the Human Rights Act 1998 and all other relevant legislation. The decision and reasons for that decision will be sent to the applicant and those who have made relevant representations, and a summary of the decision shall be posted on the Licensing Authority's website as soon as is reasonably possible after the decision has been confirmed.
- 11.6 Anyone aggrieved by a decision of the Council has a right of appeal as set out in the Act. The Council will inform the appropriate parties of their right of appeal in accordance with the Act when confirming a decision of the Sub-Committee.
- 11.7 Where no relevant representations are received, the licence will be issued automatically with such conditions that are mandatory and those arising from the operating schedule. The Council has no discretion in such circumstances to refuse the application or to alter or add to the conditions offered through the operating schedule.

12. Temporary Event Notices

- 12.1 Temporary event notices (TENs) or late temporary event notices (late TENs) may be used to authorise licensable activities at premises where there are 499 persons or fewer (including any staff and volunteers) present. TENs are not applications for permission to hold an event; they are notices of intention to hold an event. If there are 500 or more persons present at the event, a premises licence will be required.
- 12.2 In accordance with the 2003 Act, any individual person aged 18 or over may serve a TEN, whether or not they hold a personal licence. An individual who is not a personal licence holder may only serve a TEN 5 times a year of which 2 can be late TENs, and a personal licence holder no more than 50 times a year of which 10 can be late TENs. However, no more than 15 TENs covering a maximum of 21 days may be served in respect of any particular premises in a single calendar year.
- 12.3 Organisers of temporary events are encouraged to serve their TEN as soon as is reasonably practicable in order for the Police and Environmental Protection to consider whether or not they have any concerns about the event and, if they have, to enable all parties to try and take steps to resolve those concerns. The TEN form is available on the Council's website.
- 12.4 Although the legal requirement is 10 clear working days (or 5 clear working days for late TENs) not including the date of receipt or the date of the event, the Licensing Authority recommends that at least 2 months' notice be given to hold such events, to allow sufficient time for organisers to plan their events safely, for appropriate publicity and for consultation with responsible authorities and interested parties. Any longer period than this may mean that organisers do not

have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard.

- 12.5 The processing of TENs by the Council is controlled by a strict statutory timetable; therefore, the Council will not accept a notice unless it is complete in all respects at the time of submission.
- 12.6 In the event of an objection, the Licensing Authority will hold a hearing and give a decision not less than 24 hours before the event is due to take place.
- 12.7 Organisers of events are reminded of the police powers to close down events with no notice on the grounds of disorder, the likelihood of disorder, or public nuisance. Therefore, the Licensing Authority expects organisers to be aware of the relevant offences under the Licensing Act 2003, for example sales of alcohol to children or to intoxicated persons.
- 12.8 Where exceptional events of local, national or international significance arise, for example a one-off local festival or World Cup, the Secretary of State may make a licensing order to allow premises to open for specified extended hours.

13. Personal Licences

- 13.1 Personal licences authorise individuals to sell or supply alcohol, or authorise the sale or supply of alcohol for consumption on or off a premises at which a premises licence is in force for that activity.
- 13.2 Personal licence applicants with relevant unspent criminal convictions are required to notify the Licensing Authority of the nature of those convictions at the time of application. Where a personal licence holder is convicted of a relevant offence during the period when their application is being considered, the licence holder is required to advise the Licensing Authority forthwith.
- 13.3 Where the Police believe that the grant of a personal licence would undermine the crime prevention objective, they will issue an objection notice. The Licensing Authority will arrange for a hearing to take place at which the application will be determined.
- 13.4 It is an offence for a personal licence holder who is convicted of a relevant offence not to inform the issuing Licensing Authority in order that their licence can be amended. The personal licence holder must also notify the Court that they hold a personal licence.

14. Club Premises Certificates

- 14.1 In order for qualifying clubs to supply alcohol and provide other licensable activities at their premises, a club premises certificate is required. Qualifying conditions are specified in section 61 of the Act and the Licensing Authority must be satisfied that these conditions have been met, including evidence that the club is non-profit making.
- 14.2 The Act does not require any member or employee to hold a personal licence in order to supply alcohol to members or sell alcohol to guests on the premises to

which the certificate relates, nor is there a requirement for the club to specify a designated premises supervisor. Where a club intends to admit the general public to an event where licensable activities will take place, then a premises licence or a TEN will be required.

15. Management of Licensed Premises

- 15.1 A critical element of the proper control of licensable activity and a premises where such activity is provided is good management. The Council encourages all licence holders to consider what skills and competencies are required for the safe delivery of regulated activities and secure appropriately trained staff.
- 15.2 Within all licensed premises, whether or not alcohol is to be sold, the Council will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises licence.
- 15.3 Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS) who must be a personal licence holder. The DPS will be named in the premises licence, a summary of which must be displayed on the premises.
- 15.4 The Council will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The licence holder will also be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided. Where the DPS is not available at the premises for whatever reason, the Licensing Authority will expect his or her full contact details to be available at the premises and made known to at least one individual who will be present at the premises.
- 15.5 The Act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However every sale of alcohol must be made or authorised by a person who holds a personal licence on the premises, or by the DPS under authority that has been delegated (or must be made or authorised by the management committee in the case of community premises). The Licensing Authority recommends that if the DPS authorises persons to make sales of alcohol, that this is done in writing, that the document of authorisation is kept on the premises and that all staff are made aware of the location of the document. Where the DPS has delegated responsibility for the sale of alcohol, they still have a duty of responsibility for the action of those they have authorised to make those sales.

16. Complaints, Enforcement and Inspections

- 16.1 Complainants are encouraged in the first instance to raise any concerns directly with the licensee or business concerned. Complaints may be sent to the Licensing Team, West Berkshire District Council, Council Offices, Market Street, Newbury, RG14 5LD, or licensing@westberks.gov.uk for investigation.

- 16.2 Where there are any issues identified or need for improvement at a premises, officers and responsible authorities will seek to work with the licence holder to address these concerns and to achieve a resolution through informal means wherever possible.
- 16.3 The Council undertakes proactive risk-based inspections of all licensed premises to ensure continued promotion of the licensing objectives and compliance with licence conditions. Premises that consistently fail inspections may be subject to a licence review or other enforcement action. Where one-off events are taking place, the Licensing Authority may also carry out inspections to ensure promotion of the licensing objectives.
- 16.4 In terms of enforcement, the aim is to target those premises which are causing problems within the community, whilst supporting well managed premises and activities which provide opportunities for the enjoyment of leisure time without having a negative impact.
- 16.5 Protocols for enforcement may be established between responsible authorities and the Licensing Authority in order to ensure efficient and targeted action for specific problems and high risk premises that require greater attention, whilst allowing a lighter touch in respect of well run, low risk premises. This does not prevent action being taken by any individual authority at any time should offences become apparent. In most cases, a graduated form of response is expected to resolving issues of non-compliance although it is recognised that in serious cases a prosecution or a review application will be the most appropriate means of disposal.
- 16.6 In addition to the Council's enforcement policy, which is available at www.westberks.gov.uk, the Licensing Authority will also have regard to the Regulators' Compliance Code and the Enforcement Concordat and any decision to instigate legal proceedings will take account of the criteria set down in the Code of Crown Prosecution and Attorney General Guidelines.

17. Reviews of Premises Licences

- 17.1 At any stage following the grant of a premises licence, a responsible authority or other person may ask the Council to review the licence because of concerns arising at the premises in connection with one or more of the four licensing objectives. However it is hoped that this can be avoided by dealing with issues in an informal manner wherever possible, and that reviews will be a measure of last resort.
- 17.2 In every case, the application for review must be relevant to the promotion of the licensing objectives. A hearing will be held to determine the application unless all parties agree that a hearing is not necessary.
- 17.3 Where the request originates from a person other than a responsible authority (e.g. a local resident, residents' association or local business) the Licensing Authority must consider whether the request for review is vexatious, frivolous or repetitious. The Licensing Authority may refuse an application for a review on any of these grounds and will give reasons to the applicant for such a refusal.

18. Early Morning Restriction Orders (EMROs)

- 18.1 The Licensing Act sets out powers conferred on licensing authorities to make early morning restriction orders. These powers are designed to help licensing authorities address specific problems caused by late night supply of alcohol in their areas allowing licensing authorities to restrict the sale of alcohol in the whole or a part of their areas between midnight and 06:00. Licensing Authorities may make an EMRO in relation to problem areas if they have evidence that the order is appropriate for the promotion of the licensing objectives.
- 18.2 At the time of writing this policy the Licensing Authority has no plans to make an EMRO in any part of the district. However, the situation will be kept under review and should evidence emerge that suggests that the sale of alcohol between midnight and 06:00 is creating specific problems the Council will consider whether the introduction of an EMRO is appropriate. In considering the appropriateness of an EMRO the Licensing Authority will consider evidence from partners, including responsible authorities, local Community Safety Partnerships or other sources such as the consultees in Appendix A. If a proposal to implement an EMRO arises in the future the Licensing Authority will advertise and consult about its proposal in accordance with legislation and national guidance.

19. Late Night Levy (LNL)

- 19.1 Late night levy powers will allow licensing authorities to raise a contribution from late opening alcohol retailers (from midnight to 06:00) towards policing the late night economy. This is a power that licensing authorities can choose whether to adopt for their areas. If adopted the powers must apply to the whole of the licensing authority's area. Income from the net levy is to be split between the Police and the Licensing Authority on the basis of a minimum 70% allocated to the Police and a maximum 30% allocated to the Licensing Authority.
- 19.2 At the time of writing this policy the Licensing Authority has no plans to collect a LNL. However the situation will be kept under review and prior to making a decision to implement a LNL, the Licensing Authority would have discussions with the Police and Crime Commissioner (PCC) and local police to decide whether it is appropriate to introduce a LNL. If a proposal to implement a LNL arises in the future, the Licensing Authority will consult the PCC, the police, licence holders and other sources such as the consultees in Appendix A about its proposal.

Appendix A: List of Consultees

- Association of Convenience Stores
- Association of Licensed Multiple Retailers
- Bingo Association
- British Amusement Catering Trade Association
- British Institute of Inn Keeping
- British Beer and Pub Association
- Committee of Registered Club Associations
- Community Safety Team
- Drug and Alcohol Action Team
- Guild of Master Victuallers
- Home Office – Immigration Enforcement
- National Federation of Community Organisations
- Parish and Town Councils
- Premises licence and club premises certificate holders
- Planning
- Public Consultation Portal
- Public Health Team
- Pubwatch
- Royal Berkshire Fire and Rescue
- Society of Licensed Victuallers
- Thames Valley Police
- West Berkshire Council Environmental Health
- West Berkshire Council Planning
- West Berkshire Council Trading Standards
- West Berkshire Safeguarding Children Board

Appendix B: Delegation of Functions

See relevant scheme of Delegations.

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Appendix C: Glossary

Capacity Limit	Where the Licensing Authority and/or Fire Authority have set a limit on the number of people allowed in a premises or part of a premises, to prevent overcrowding which can lead to crime and disorder and concerns over public safety.
Child	Any person who is under the age of 18 years.
Club Premises Certificate	A certificate authorising the supply of alcohol to members of a qualifying club, the sale of alcohol to guests on the premises and the provision of regulated entertainment without the need for any member or employee to hold a personal licence.
Council	As far as this policy is concerned, any reference to the Council shall be interpreted as the Licensing Authority.
Cumulative Impact	Where there is a potential impact on the promotion of the licensing objectives due to a significant number of licensed premises concentrated in one area.
Designated Premises Supervisor	A specified individual, holding a personal licence, who is responsible for the day-to-day running of the business and whose name will appear on the premises licence.
Late Night Refreshment	The supply of hot food and drink between the hours of 23:00 and 05:00 for consumption on or off the premises.
Licence Types	<ul style="list-style-type: none"> • Premises Licence • Club Premises Certificate • Personal Licence • Provisional Statement • Temporary Event Notice
Licensable Activities	<ul style="list-style-type: none"> • The sale of alcohol by retail • The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club • The provision of regulated entertainment • The provision of late night refreshment
Licensing Objectives	<ul style="list-style-type: none"> • Prevention of Crime and Disorder • Public Safety • Prevention of Public Nuisance • Protection of Children from Harm
Licensing Qualification	Qualification accredited by the Secretary of State and a requirement for a personal licence.
Operating Schedule	This forms part of the completed application form for a premises licence and must promote the licensing objectives. See section 4 for more information.
Personal Licence	This authorises individuals to sell or supply alcohol or authorise the sale or supply of alcohol for consumption on or off the premises for which a premises licence is in force for the carrying on of that activity.
Premises Licence	A licence in respect of any premises, including land or buildings under public ownership within the community that are to be used for one or more licensable activities. Valid for an indefinite period unless revoked or surrendered.
Proprietary Clubs	Clubs run by individuals, partnerships or businesses for the purpose of making a profit.

Provisional Statement	Where premises are being constructed or extended or substantial structure changes are proposed.
Qualifying Club	Where members have joined together for particular social, sporting or political purposes and then combine to buy alcohol in bulk as members. Examples of qualifying clubs are: <ul style="list-style-type: none"> • Political clubs • Royal British Legion • Working men's clubs • Social and sports clubs A qualifying club can, however, obtain a premises licence if it wishes to offer its facilities commercially for use by the general public.
Regulated Entertainment	Entertainment that is provided to members of the public or to members of a qualifying club, or entertainment held with a view to profit. This includes plays, films, indoor sporting events, performance of dance and live and recorded music. For more detailed advice on whether a specific activity constitutes regulated entertainment, please contact the Licensing Team.
Relevant Offences	As set out in Schedule 4 to the Licensing Act 2003.
Relevant Representations	Representations (objections) made by a responsible authority or any other person which are deemed as relevant
Responsible Authorities	This group can make representations and includes bodies such as: <ul style="list-style-type: none"> • The Chief Officer of Police • The Fire Authority • The Local Enforcement Agency for the Health and Safety at Work etc. Act 1974 • The Weights and Measures Authority • The Planning Authority • Environmental Health • Public Health • The body responsible for matters relating to the Protection of Children from Harm - the Local Safeguarding Children Board • The Licensing Authority • Home Office (Immigration Enforcement)
SAG	Safety Advisory Group. An advisory body whose purpose is to offer advice and guidance on event organisation.
Temporary Event Notice (TEN)	A notice of intention to carry on of the sale of alcohol, provision of regulated entertainment or late night refreshment at a premises not otherwise authorised by a premises licence or club premises certificate.
Late Temporary Event Notice (late TEN)	As per Temporary Event Notice, however, can be served with between 5 and 9 working days notice before the day of the event. There is no right of appeal or to a hearing if the Police or Environmental Health raise an objection.

Leisure Centre Fees and Charges 2019

Committee considering report:	Council on 6 December 2018
Portfolio Member:	Councillor Rick Jones
Date Portfolio Member agreed report:	15 October 2018
Report Author:	Jim Sweeting
Forward Plan Ref:	C3657

1. Purpose of the Report

- 1.1 To implement the contractual requirement for an annual price review for 2019 for the leisure contractor to come into effect from 1st January 2019.

2. Recommendation

- 2.1 That Council approve the proposed increase in Fees and Charges as outlined in Appendix D for the leisure management contract.

3. Implications

- 3.1 **Financial:** There are no direct implications to the Council's own budgets from the contractor implementing any increase in Fees and Charges. Within the terms of the Leisure Contract, the contractor retains all income. An income share arrangement is specified within the contract should end of year surpluses be above a certain threshold
- 3.2 **Policy:** The Leisure contract was changed in 2010/11 to accommodate a review of Fees and Charges prior to January of the following and subsequent years. This now forms a condition of the contract between West Berkshire Council and Legacy Leisure
- 3.3 **Personnel:** None
- 3.4 **Legal:** Agreement to any increase in the maximum core leisure contract Fees and Charges will be formally recorded through an exchange of letters and will be included in the Council's published schedule of Fees and Charges for 2019/20
- 3.5 **Risk Management:** None
- 3.6 **Property:** None
- 3.7 **Other:** None

4. Other options considered

- 4.1 The Fees and Charges for the Leisure Centres are set by the leisure contractor, the proposals outlined are those which have been presented by Legacy Leisure for the maximum fees for identified Core activity, as part of their Business Plan for the West Berkshire contract for 2019.
- 4.2 Consideration is given both to achieving standard tariffs across all centres and to the level of fees and charges set by local competitors in the industry and nearby Local Authority facilities in neighbouring districts and boroughs.

Executive Summary

5. Introduction / Background

- 5.1 In establishing their proposed maximum fees and charges for core activity at leisure centres for 2019 the contractor has outlined the standard (non-card holder) prices as outlined in Appendix D. Once discounts as set out in 5.2 are applied it results in an average increase of 2.9% in the charges applied to West Berkshire Card holders, this is below the benchmark level provided by the Retail Price Index at the end of the Contract year (3.4% - June 2018) when rounded to the nearest 5p.
- 5.2 To make it simpler for customers to understand the benefits of being a West Berkshire Card holder it was agreed in December 2015 that the discount applied to West Berkshire Card holders would change from a basic 10% to flat rates applied as follows:
- (a) £1.00 for adult activity
 - (b) £0.50p for junior activity
 - (c) £5.00 for team sports

It is not proposed by the contractor to change the level of discount received by West Berkshire Card Holders in 2019.

- 5.3 Benchmarking against other authorities indicates that the discounts applied for West Berkshire card holders are in line with other Local Authority leisure centres in the neighbouring areas

6. Proposals

- 6.1 The fees and charges for 2019 for core activity at West Berkshire Leisure Centres are outlined in Appendix D.
- 6.2 Members asked if the contractor would review the classification of a Junior to include those aged up to 18. The contractor has identified some financial risks of a blanket policy but is constructively working with officers and Public Health colleagues to introduce a range of activity available for young people aged 14 to 18 at special rates.

7. Conclusion

- 7.1 When the proposed fees and charges are benchmarked against surrounding Local Authority owned facilities it is seen that charges in West Berkshire are at the lower end of the comparison thus representing good value for money to West Berkshire residents.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information

8.4 Appendix D – Proposed Maximum Core charges for Leisure Centres for 2019

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Economy and Environment
Service:	Public Protection and Culture
Team:	Sport and Leisure Team
Lead Officer:	Jim Sweeting
Title of Project/System:	Leisure Centre Fees and Charges 2019
Date of Assessment:	12/10/2018

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	√
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	√
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	√
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	√
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	√
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	√
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	√

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To agree the Core Maximum Leisure Centre Fees and Charges for 2019.
Summary of relevant legislation:	N/a
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Jim Sweeting
Date of assessment:	12/10/2018

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	Yes	Is changing	No
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To consider the fees and charges proposed by the leisure contractor for 2019
Objectives:	To agree the maximum core fees and charges with the leisure contractor for 2019
Outcomes:	Maximum Fees and Charges agreed and published prior to coming into effect on January 1 st 2019.
Benefits:	Consistent charging policy across facilities in West Berkshire.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Further Comments relating to the item:		
None of the listed groups are affected more positively or negatively than others by the		

proposed changes. For those on low incomes in which ever group access to a concessionary programme is available which provides reduced admission during off peak times. Bespoke schemes have also been commissioned by Public Health and the Communities Directorate to provide further support towards programmes.

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
<p>Please provide an explanation for your answer:</p> <p>Benchmarking suggests that the charges levied at West Berkshire’s leisure centres compare very favourably with other similar types of facilities in the area. Access is by both pay and play and membership so participants can access the facility on a pay as you go basis rather than having to commit to a monthly membership or contract</p>	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
<p>Please provide an explanation for your answer:</p> <p>Benchmarking suggests that the charges levied at West Berkshire’s leisure centres compare very favourably with other similar types of facilities in the area. Access is by both pay and play and membership so participants can access the facility on a pay as you go basis rather than having to commit to a monthly membership or contract</p>	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Jim Sweeting

Date: 12/10/2018

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

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Leisure Centre Fees and Charges 2019 – Supporting Information

1. Introduction/Background

- 1.1 The leisure centre fees and charges are reviewed annually for implementation on the 1st January each year.
- 1.2 The Council's contractor is Parkwood Leisure Ltd with the management of the centres delivered by their charitable arm Legacy Leisure. The current contract runs through to the end of June 2022. The contractor sets the charges for each year based on its business plan and then submits them to West Berkshire Council as part of their business plan for the year.
- 1.3 For 2018 West Berkshire Council agreed an average increase in Fees of Charges of 3.1%
- 1.4 Within the terms of the Leisure Contract, the contractor retains all income raised. An income share arrangement is specified within the contract should end of year surpluses be above a certain threshold.

2. Supporting Information

- 2.1 In drawing up their proposed fees and charges for 2019 the contractor has reviewed their business plans for the West Berkshire contract and benchmarking of the proposed fees and charges against Local Authority owned leisure facilities for the surrounding area demonstrates that the proposed Fees and Charges represent good value for money for West Berkshire residents.
- 2.2 The West Berkshire Card was introduced in 2009 in response to an Audit Commission inspection of Cultural Services which recommended that a methodology should be adopted to ensure that service providers knew who their customers were.
- 2.3 The West Berkshire card is provided free of charge to West Berkshire residents with the ability to purchase the benefits at leisure centres available to non-residents. Card holders initially received a 10% discount against standard charges at leisure centres.
- 2.4 To date over 50,000 cards have been activated in leisure centres with over 25,000 currently regarded as being active in 2018.
- 2.5 Following a proposal from the contractor to simplify the discounts applied for card holders it was agreed in December 2015 that the 10% discount would be replaced with a flat rate as follows:
 - (a) £1 per for adult activity
 - (b) £0.50p for junior activity

- (c) £5.00 for team sports

With a minimum discount of 10% applied to ensure any future price increases maintain the level of discount outlined.

- 2.6 For 2019 the contractor is not proposing any changes to the discounts applied to West Berkshire card Holders.
- 2.7 Following a question at Full Council in December 2017 the contractor was asked if they would review the definition of a junior. The contractor identified some financial risks if a blanket change was introduced but have been working with officers and Public Health colleagues to develop a range of activity targeting 14 to 18 year olds at special rates

3. Options for Consideration

- 3.1 Within their business plans for each centre the contractor has considered a range of fees and charges which ensure the leisure centres remain competitive with other facilities within the district and those within neighbouring authorities also.

4. Proposals

- 4.1 For 2019 the contractor is looking at Flexible competitive charges across the contract which particularly factor in the competition and market rates for West Berkshire Leisure centres both within the district and from those in neighbouring authorities. To accommodate this, Legacy Leisure are looking at flexible charges to respond to local markets with an average rise across the contract of 2.9%, against the RPI rate of 3.4% for June 2018 – the benchmark position at the end of the previous contract year.
- 4.2 The proposed maximum 'Core' activity charges for the leisure centres would be as set out in Appendix D

5. Conclusion

- 5.1 When the proposed fees and charges are benchmarked against surrounding Local Authority owned facilities it is seen that charges in West Berkshire are at the lower end of the comparison thus representing good value for money to West Berkshire residents

6. Consultation and Engagement

- 6.1 The proposed fees and charges are being considered during the current round of leisure centre Joint Advisory Committee meetings involving representatives from schools, Parish/Town Councils, contractor. In addition the most recent customer survey has informed the report

Background Papers: Leisure Centre Customer Survey carried out in the autumn of 2017 and involving 1,600 people.

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval



- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only
-

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

- HQL – Maintain a high quality of life within our communities**

The proposals contained in this report will help to achieve the following Council Strategy priority:

- HQL1 – Support communities to do more to help themselves**
-

Officer details:

Name: Jim Sweeting
Job Title: Sport and Leisure Manager
Tel No: 01635 519251
E-mail Address: jim.sweeting@westberks.gov.uk

Appendix D

Proposed Maximum Core Charges for Leisure Centre Users 2019

	2018		2019		
	WB Card price	Standard (Non WB Card price)	WB Card price	Standard (Non WB Card price)	
West Berkshire Card Resident	Free		Free		
West Berkshire Card - non resident	£20.00		£20.00		
Swimming					
Adult	£3.80	£4.80	£3.90	£4.90	
Junior	£2.50	£3.00	£2.60	£3.10	
Over 60's (non-concessionary times)	£2.50	£3.50	£2.60	£3.60	
Early Morning Swim					
Adult	£3.00	£4.00	£3.10	£4.10	
Junior	£1.75	£2.25	£1.80	£2.30	
Over 60's	£1.75	£2.75	£1.80	£2.80	
Gym and Fitness					
Casual User	£7.55	£8.55	£7.80	£8.80	
Casual User Induction	£15.50	£16.50	£16.00	£17.00	
Classes (1 hour duration)	£5.90	£6.90	£6.10	£7.10	
Activity for Health – GP Referral	£3.30	£4.30	£3.40	£4.40	
Hall Hire/Sports					
Full Sports Hall (4 courts) - adult	£44.50	£49.50	£46.00	£51.00	
Full Sports Hall (4 courts) - junior	£23.30	£28.30	£24.00	£29.00	
Badminton Court – adult (55 mins)	£9.30	£10.30	£9.50	£10.50	
Badminton - junior	£5.80	£6.30	£6.00	£6.50	
Squash Court - adult	£10.85	£11.85	£11.00	£12.00	
Squash Court - junior	£4.00	£4.50	£4.10	£4.60	
Membership - Flexi (monthly)	£38.00	£41.00	£39.00	£44.00	
Membership - Fixed (monthly)	£34.00	£37.00	£35.00	£38.00	
Concession					
Gym	£3.60		£3.70		During concessionary periods
Swimming/Badminton/Squash/Table Tennis (as available)	£1.95		£2.00		During concessionary periods

Amendments to the Constitution

Committee considering report:	Council on 6 December 2018
Portfolio Member:	Councillor Dominic Boeck
Date Portfolio Member agreed report:	1 November 2018
Report Author:	Sarah Clarke
Forward Plan Ref:	C3260

1. Purpose of the Report

- 1.1 The Monitoring Officer together with other members of the Finance and Governance Group are required to keep the Constitution under regular review.
- 1.2 This paper proposes a number of amendments to Parts 2, 3, 10, 11 and 13 of the Constitution.

2. Recommendations

It is recommended that Council approve the following:

- (i) The amendments to the Articles of the Constitution which are detailed in Appendix D of this Report.
- (ii) The amendments to the Scheme of Delegation which are shown fully in Appendix E of this Report.
- (iii) The amendments to the Financial Rules of Procedure at Part 10 of the Constitution, as detailed in Appendix F of this Report.
- (iv) The amendments to the Contracts Rules of Procedure at Part 11 of the Constitution, as detailed in Appendix G of this Report.
- (v) The amendments to the Social Media Protocol for Councillors at Part 13 of the Constitution, as shown at Appendix H of this Report.

3. Implications

- 3.1 **Financial:** Although the financial thresholds for bad debts will be amended to increase the level of debt that can be written off under delegated authority, there will be no actual financial impact as only bad debts will be written off.
- 3.2 **Policy:** This report proposes amendments to the Constitution, including the Social Media Protocol for Councillors.
- 3.3 **Personnel:** None
- 3.4 **Legal:** It is essential that the Council's Constitution is maintained and updated to ensure that the Council operates within a sound and lawful governance framework.

3.5 **Risk Management:** These proposals set out clear operational rules and guidelines which should reduce the risk of successful challenge.

3.6 **Property:** None

3.7 **Other:** None

4. Other options considered

4.1 The alternative to approving the proposed amendments is to not update the Constitution. This is not recommended for the reasons detailed in the report.

Executive Summary

5. Introduction / Background

- 5.1 Throughout the year the Governance and Ethics Committee is referred to amendments to the Council's constitution and its rules of procedure where amendment is considered necessary. Subject to its view, matters are then referred to Council for adoption. This ensures that administrative processes remain effective and efficient.

6. Proposals

- 6.1 It is proposed that a number of amendments are made to the Constitution.
- 6.2 It is proposed that the Financial Rules of procedure be amended to increase the level of bad debt that the Head of Finance and Property is authorised to write off from the current limit of £10k to £25k.
- 6.3 Commercial Board has recently been renamed Procurement Board and a review of existing requirements under Part 11 has demonstrated that a number of requirements do not provide any additional benefits. Specifically, this relates to the requirement to provide reports for information to Corporate Board and Operations Board detailing decisions which can be taken under delegated power once the matter has been considered and agreed by Procurement Board. It is proposed to remove the requirement to provide information reports in the existing manner.
- 6.4 It is also proposed that the Scheme of Delegation and Financial Rules of Procedure be amended to enable the Head of Finance and Property in consultation with the Portfolio Holder for Finance, the Head of Human Resources and the Head of Legal, be authorised to make payments up to a maximum of £5k, to officers of tier 3 and below where that officer(s) have suggested an idea which has generated significant income for the Council.
- 6.5 It is proposed that the Scheme of Delegation be amended to delegate power to the Personnel Committee to allocate the statutory posts of Director of Children's Services and the Director of Adults Services to appropriate officers.
- 6.6 Following the update to the Officers Code of Conduct which was approved by Council in March to include a section on the use of social media, the Social Media Protocol for Councillors was also identified as being in need of updating. The amendments which are proposed to this are fully detailed in Appendix H.

7. Conclusions

- 7.1 It is considered that the proposed changes will ensure that the Council maintains a robust and efficient governance and decision making framework. The update to the Social Media Protocol for Councillors will also provide updated clarity and guidance for Members when using social media.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment

Amendments to the Constitution

- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – Proposed Amendments to Part 2 of the Constitution
- 8.5 Appendix E – Proposed Amendments to Part 3 of the Constitution
- 8.6 Appendix F – Proposed Amendments to Part 10 of the Constitution
- 8.7 Appendix G – Proposed Amendments to Part 11 of the Constitution
- 8.8 Appendix H – Proposed Social Media Protocol for Councillors

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Resources
Service:	Legal Services
Team:	
Lead Officer:	Sarah Clarke
Title of Project/System:	Review of Constitution
Date of Assessment:	16 October 2018

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p><i>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p><i>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p><i>Note – will it have an interactive element which allows users to communicate directly with one another?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p><i>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p><i>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Council to make:	The proposal is to make various amendments to the Council's Constitution.
---	---

Summary of relevant legislation:	Various, including Local Government Act 1972
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Sarah Clarke
Date of assessment:	16 October 2018

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	Yes	Is changing	Yes
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To review the Constitution to ensure that it is up to date.
Objectives:	To ensure that the Council has effective, efficient and lawful decision making systems in place.
Outcomes:	The Council will be able to take effective decisions in a lawful.
Benefits:	The Council can operate in an effective and efficient manner.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	None	
Disability	None	
Gender Reassignment	None	
Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	

Sex	None	
Sexual Orientation	None	
Further Comments relating to the item:		
The proposal affects the rules governing how the Council will conduct itself, and includes proposals relating to how some decisions will be made.		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: See above	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: See above	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Sarah Clarke

Date: 16.10.18

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

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Amendments to the Constitution – Supporting Information

1. Introduction/Background

- 1.1 Throughout the year the Governance and Ethics Committee is referred to proposed amendments to the Council's constitution and its rules of procedure where amendment is considered necessary. Subject to its view, matters are then referred to Council with a recommendation for adoption. This ensures that administrative processes remain effective and efficient.
- 1.2 This Report seeks to make amendments to four parts of the Constitution. In essence the proposals if approved would result in the following changes:
- (1) It would increase the level of debt that can be written off under delegated powers from £10k to £25k;
 - (2) Exceptions to the Contracts Rules of Procedure will no longer be required to be referred to Corporate Board as an item for information;
 - (3) Officers would be given delegated powers to make additional payments to officers in specified circumstances;
 - (4) Personnel Committee will designate the statutory posts of Director of Adult Social Services and the Director of Children's Services to suitable officers; and
 - (5) An updated Social Media Protocol for Councillors would be adopted.

2. Supporting Information

Write off of bad debts

- 2.1 The Council's Head of Finance and Property is the Council's s151 officer. This is a statutory post and the post-holder has a statutory obligation to make arrangements for the proper administration of the Council's financial affairs.
- 2.2 Under the Council's Constitution, the Head of Finance and Property has delegated authority to write off write off arrears of irrecoverable debt of an amount not exceeding £10,000 and in cases where the debtor is subject to formal insolvency proceedings, sums exceeding £10,000. The Scheme of delegation additionally states that the Head of Finance and Property be authorised to write off amounts of up to £50 in respect of rent arrears.

A recent review of the delegated write off limits in our neighbouring Berkshire Councils has demonstrated that the level of delegated authority in West Berkshire is low. Details of the write off limits in the 6 Berkshire Unitary Authorities is detailed in the table below.

Name of Council	Details of delegation
Bracknell Forest Borough Council	Borough Treasurer / s151 Officer <u>£50,000</u>
Reading Borough Council	<p>No <i>bona fide</i> debt may be cancelled, other than by formal write off. The scheme of delegation gives delegated authority to Directors/Heads of Service delegated authority to write off debts, for a particular debtor, for sums up to £1,000 at their own discretion; and for sums of up to <u>£20,000</u> with the consent of the Strategic Finance Director. In both cases they must keep a written record of the debt and the reasons for writing it off.</p> <p>The Strategic Finance Director will report to the Policy Committee on the writing-off of individual debts of over <u>£20,000</u>. A record must be maintained for all debts written off.</p>
Slough Borough Council	<p>Recommend Write Off debts to SD, Finance and Resources (incl. stocks and stores). Any write offs over <u>£15,000</u> to Cabinet.</p> <p>Up to <u>£15k</u> and approved by s151 officer Up to £15k (and p.a.) and approved by s151 officer Up to £1k with Level 2 approval</p>
West Berkshire District Council	<p>Head of Finance - <u>£10,000</u> in cases of irrecoverable debt, <u>over £10,000</u> in cases of insolvency of the debtor. <u>£50</u> in respect of rent arrears.</p>
The Royal Borough of Windsor & Maidenhead	<p>To seek Cabinet approval to the write-off of redundant stocks and equipment in excess of <u>£20,000</u>.</p> <p>Head of Finance - To agree the write-off of bad debts within those functions that fall within the responsibilities of the Executive Director up to <u>£50,000</u> in each case and to refer larger sums to the Cabinet.</p>
Wokingham Borough Council	<p>Chief Finance Officer is responsible for Write Offs and Waivers Write off of uneconomic debts, or fees and charges, between £1,000 and <u>£25,000</u>.</p>

- 2.3 It is proposed to delete the separate delegation which appears in paragraph 3.10.6.9 of the Scheme of Delegation at Part 3 of the Constitution relating to rent arrears. It is additionally proposed that the Head of Finance & Property be given delegated authority to write off bad debts up to the sum of £25,000, with authority to write off larger debts up to £100,000 in the case of insolvency in consultation with the Portfolio Holder for Finance. Part 10 of the Constitution dealing with the Financial Rules of Procedure will also be amended to reflect this increase in delegated authority.

Contract Rules of Procedure

- 2.4 The Contract Rules of Procedure detailed at Part 11 of the Constitution make reference to Commercial Board, which has recently been re-named Procurement Board. The Contract Rules therefore need to be updated to reflect this name change.
- 2.5 It is currently a requirement of the Contracts Rules of Procedure that when officers propose to award contracts of a certain value using their delegated powers, they must first bring reports to Corporate Board and/or Operations Board to inform them of the proposed contract award. It is proposed to remove this requirement to bring reports for information.
- 2.6 Details of contract awards now form part of the Corporate Quarterly Reporting and Monitoring and it is considered that this combined with Procurement Board provides adequate corporate governance and oversight. Having regard to the processes that are currently in place, it is considered that the requirement to provide information Reports adds little value and the allocation of resources to the process is therefore unjustified. It is therefore proposed that the requirement to produce reports for information will be removed and Part 11 of the Constitution will be amended as detailed in Appendix G.

Incentive payments to employee's

- 2.7 On 23 November 2017, the Corporate Programme Board approved in principle a scheme by which officers could be encouraged to generate ideas which should produce revenue receipts by way of additional and new income streams for the Council.
- 2.8 The proposal is for those ideas delivering the agreed financial return, the officer(s) who generated the idea will be eligible to receive a payment up to a maximum of £5k per idea pitched. Officers of tier 3 and below will be eligible for payments under the scheme.
- 2.9 An amendment is therefore required to the Scheme of Delegation and Financial Rules of Procedure to enable these payments to be made. It is proposed that the delegated authority to make these payments be given to the Head of Finance & Property, in consultation with the Head of HR and the Portfolio Holder for Finance.

Appointment to statutory posts.

- 2.10 The Scheme of Delegation at paragraph 3.1.3 contains a Schedule of Council functions, which indicates that the Personnel Committee shall be responsible for making appointments to proper officer posts, and for exercising the Council's

statutory duty to appoint the Council's Head of Paid Service and a Monitoring Officer.

- 2.11 It has become apparent that a number of statutory posts were omitted from this table, notably the appointment of the Council's section 151 officer, who is responsible for ensuring that arrangements exist to ensure the proper administration of the Council's financial affairs.
- 2.12 The Council has a statutory duty under section 6 of the Local Authority Social Services Act 1970 to appoint an officer as the Director of Adult Social Services, who will have responsibility for the adult social services functions of the Council.
- 2.13 The Council also has a duty under section 18 of the Children Act 2004 to appoint an officer as a Director of Children's Services, who will have responsibility of the Council's education and social services functions for children.
- 2.14 Paragraphs 3.3.5.1 and 3.3.5.2 state that the Corporate Director Communities shall be appointed as the Council's Director of Adult Social Services and the Director of Children's Services.
- 2.15 In view of the statutory duties placed on the Director of Adult Social Services and on the Director of Children's Services, it is considered that the Personnel Committee should also be responsible for appointing suitable officers to fulfil these important statutory roles. It is proposed therefore that the Constitution be amended accordingly.

Social Media Protocol for Members

- 2.16 The officers Code of Conduct was updated in March 2018 following a review on the provisions relating to social media. This highlighted the fact that the review of the Social Media Protocol for Councillors was overdue.
- 2.17 Given the similarities in the issues that arise from the use of social media, it is proposed that in future, these provisions will be reviewed simultaneously for both Officers and Members.
- 2.18 Attached at Appendix H is a revised Social Media Protocol for Councillors. It is proposed that this will replace the existing Protocol which appears at Appendix K of Part 13 of the Constitution.
- 2.19 The amendments to the Scheme of Delegation were considered by the Council's Governance and Ethics Committee on the 26th November 2018. A number of amendments were proposed by Governance and Ethics to the updated Social Media Protocol for Councillors, which are now incorporated in the draft Protocol at Appendix K to this report.

3. Options for Consideration

- 3.1 The options for consideration are as follows:
- i. The Council could continue to operate under the existing constitutional provisions. This is not recommended.

- ii. The Council could adopt some of the proposed constitutional amendments. This is not recommended.
- iii. The Council could adopt the proposed constitutional amendments to ensure that the Constitution remains up to date.

4. Proposals

- 4.1 It is recommended that the proposed amendments to the Constitution be adopted by Council.

Part 2 – Articles of the Constitution

- 4.2 It is proposed that the amendments detailed in Appendix D be approved to enable the Personnel Committee to designate suitable officers to fulfil the statutory roles of the Director of Adult Social Care and/or the Director of Children’s Services.

Part 3 - Scheme of Delegation

- 4.3 It is proposed that the Scheme of Delegation at Part 3 of the Constitution be amended as detailed in Appendix E.

- 4.4 In summary, the proposed amendments relate to the following:

- (1) The appointment of officers to fulfil statutory posts
- (2) The approval of delegated authority to the s151 Officer to write off bad debt up to £25,000.
- (3) The approval of delegated authority to make additional payments to employees in specified circumstances.

Part 10 – Finance Rules of Procedure

- 4.5 It is proposed that paragraph 10.17.1 of the Financial Rules of Procedure be amended as detailed in Appendix F, to enable the s151 Officer to write off bad debt up to £25,000 and debts of up to £100,000 in cases of insolvency in consultation with the Portfolio Holder for Finance.

Part 11 – Contract Rules of Procedure

- 4.6 It is proposed that Part 11 of the Constitution should be amended as detailed at Appendix G.

Part 13 – Codes & Protocols

- 4.7 It is proposed that Part 13 of the Constitution be amended by replacing the existing Social Media Protocol for Councillors with the revised protocol which appears at Appendix H of this report.

5. Conclusion

- 5.1 The Council’s Monitoring Officer is required to monitor and review the Council’s Constitution to ensure that the Council operates in an efficient and effective manner whilst meeting its legal obligations.
- 5.2 In order to ensure that the Council operates in a way that is both effective and efficient, it is recommended that the changes proposed above be approved by the Council.

6. Consultation and Engagement

Andy Walker, Andy Day, Robert O’Reilly, David Lowe, Moira Fraser, Shiraz Sheikh, Martin Dunscombe.

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council’s position
- Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: All wards could be affected to the extent that the proposals in the Report, if adopted, will result in changes to the Constitution which governs how the Council conducts itself.

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

MEC – Become an even more effective Council

The proposals contained in this report will help to achieve the following Council Strategy priority:

MEC1 – Become an even more effective Council

Officer details:

Name: Sarah Clarke
Job Title: Interim Head of Legal Services
Tel No: 01635 519596
E-mail Address: sarah.clarke@westberks.gov.uk

Appendix D

Proposed Amendments to Part 2 of the Constitution

Part 2 – Articles of the Constitution

It is proposed that the table at paragraph 2.8.7 be amended with the text in bold and italics below to note that the purpose of the Personnel Committee shall include the following:

To designate an officer as the Director of Adult Social Care and to designate an officer as the Director of Children’s Services.

Appendix E

Proposed Amendments to Part 3 of the Constitution

1. The Table at paragraph 3.1.3 of the Constitution shall be amended to include the following:

<i>Duty to designate an Officer as the Council’s section 151 officer</i>	<i>Personnel Committee</i>	<i>These functions will not be delegated further</i>
<i>Duty to designate an Officer as the Director of Adult Social Services</i>	<i>Personnel Committee</i>	<i>These functions will not be delegated further</i>
<i>Duty to designate an Officer as the Director of Children’s Services</i>	<i>Personnel Committee</i>	<i>These functions will not be delegated further</i>

2. The following paragraphs in the Scheme of Delegation relating to the Corporate Director Communities should be deleted:

3.3.5.1 Shall be appointed as a Director of Children Services and carryout functions pursuant to section 18 of the Children Act 2004.

3.3.5.2 Shall be appointed as a Director of Adult Social Services and carryout functions pursuant to section 6 of the Local Authority Social Services Act 1970.

3. Paragraph 3.10.3.8 of the Scheme of Delegation referring to powers delegated to the Head of Finance and Property be amended as follows:

Decisions to write off arrears of irrecoverable debt of an amount not exceeding ~~£10,000~~ **£25,000** and in cases of insolvency where the sums exceed ~~£10,000~~**£25,000 up to a maximum of £100,000, the decision should be taken in consultation with the Portfolio Holder for Finance.**

4. It is proposed to add an additional paragraph at 3.10.3 of the Scheme to provide as follows:

In consultation with the Head of Human Resources, the Head of Legal Services and the Portfolio Holder for Finance, to make additional payments to qualifying employees of up to £5,000 where it is deemed appropriate to do so.

Appendix F

Proposed Amendments to Part 10 of the Constitution

Part 10 – Finance Rules of Procedure

1. It is proposed that paragraph 10.17.1 of the Financial Rules of Procedure be amended as follows:

No debt due to the Council, after it has been correctly established, shall be discharged otherwise than by payment in full or by the writing-off of the debt or the unpaid portion of it, on the authority of the Head of Finance and Property or nominated officer where either:

- (a) the debt is not enforceable or that attempted recovery is likely to involve expensive litigation with limited hope of success; or

(b) the cost of recovery would be disproportionate to the amount involved;

- the debt does not exceed ~~10,000~~**£25,000** ~~or in cases of bankruptcy or liquidation the full amount.~~ ***In cases of insolvency where the debt exceeds £25,000 up to a maximum of £100,000, the decision shall be taken in consultation with the Portfolio Holder for Finance;***

- Housing rent does not exceed ~~10,000~~**£25,000**.

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West Berkshire Council Constitution

Part 11

Contract Rules of Procedure

Document Control

Document Ref:	WB/P&C/MF/2008-11	Date Created:	May 2007
Version:	10	Date Modified:	April 2017
Revision due	Annual		
Author:	Moira Fraser – Democratic Services Manager		
Owning Service	Strategic Support		

Change History

Version	Date	Description	Change ID
1.1	Sept 2008	Amended to include up to date guidance on the use of consultants	
2	Jan 2010	Significant re-write in line with current legislation.	
3	April 2012	Changes to whole document as a consequence of the Senior Management Review	
4	December 2012	Significant re-write to bring in line with current law, practice and procedures. Also to streamline it.	
5	June 2014	11.11.3(a)	Delegated authority

Version	Date	Description	Change ID
6	May 2015	11.1.1, 11.1.2, 11.1.3, 11.1.4, 11.1.5, 11.1.6, 11.1.7, 11.2.1, 11.2.2, 11.2.3, 11.2.4, 11.3.1 (b) and (f), 11.4.3, 11.4.4, 11.5.1, 11.5.2, 11.6.1, 11.6.2, 11.6.4, 11.7.2, 11.7.3, 11.8.1, 11.8.2 (deleted), 11.9.1, 11.9.2, 11.9.4, 11.9.5, 11.11.1, 11.11.2, 11.11.3, 11.11.4, 11.11.5, 11.11.6, 11.13.1, 11.13.2, 11.15.5, 11.16.2, 11.16. Implementation of the new Directives and Regulations	
7	July 2015	Amendments arising from the merge of the Governance and Audit and Standards Committee	11.14.3
8	September 2016	11.1.1, 11.1.2, 11.1.3, 11.1.4, 11.1.5, 11.1.6, 11.1.7, 11.1.8 (added), 11.1.9 (added), 11.2.1, 11.2.2, 11.2.3, 11.2.4, 11.3.1, 11.4.3, 11.4.4, 11.4.5, 11.5.1, 11.5.2, 11.6.1, 11.6.2, 11.6.3, 11.6.4, 11.6.5, 11.7.2, 11.7.3, 11.8.1, 11.8.2 (deleted), 11.9.1, 11.9.2, 11.9.3, 11.9.4, 11.9.5, 11.9.6 (deleted), 11.9.7 (deleted), 11.10.4 (deleted), 11.10.5 (deleted), 11.10.6 (deleted), 11.10.6 (deleted), 11.10.7 (deleted), 11.10.8 (deleted), 11.11, 11.11.1, 11.11.2, 11.11.3, 11.11.4, 11.11.5, 11.11.6, 11.12, 11.12.1, 11.12.2, 11.12.3, 11.12.4, 11.13, 11.13.1, 11.13.2, 11.14, 11.14.1, 11.14.2, 11.14.3, 11.15 (added), 11.16 (added)	
9	November 2016	11.4.4, 11.4.5, 11.11.2, 11.11.3, 11.11.7 and 11.11.8 to reflect the change from the Procurement Board to the Commercial Board	Delegated Authority Board
10	1 st April 2017	Changes throughout this Part of the Constitution to change Head of Finance to Head of Finance and Property post Senior Management Review	
<u>11</u>	<u>August 2018</u>	<u>Changes throughout this Part from Commercial Board to Procurement Board.</u> <u>Reports for contracts below £2.5m do not now need to go Corporate Board or Operations Board for information.</u>	<u>Council</u>

Any Acts, Rules or Regulations mentioned in the text of this document can be accessed on the Office of Public Sector Information website at:
<http://www.opsi.gov.uk/legislation/uk>

If you require this information in a different format, such as audio tape or in another language, please ask an English speaker to contact Moira Fraser on 01635 519045 who will be able to help.

West Berkshire Council Constitution

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11.1 Application of Contract Rules of Procedure

- 11.1.1 These Contract Rules of Procedure (also referred to as the Contract Standing Orders) are made in accordance with the requirements of Section 135 of the Local Government Act 1972.
- 11.1.2 These Contract Rules of Procedure apply to purchases by or on behalf of the Council of works, supplies and services.
- 11.1.3 These Contract Rules of Procedure apply to all contracts including (but not limited to) purchase orders, consultancy agreements, service level agreements, software licenses, concessions and contractual arrangements entered into by or on behalf of the Council, except for the specific types of contracts and purchasing methods which are expressly excluded under the Procurement Legislation.
- 11.1.4 The Procurement Legislation referred to in these Contract Rules of Procedure includes the following:
 - 11.1.5 The EU Directives, as follows:
 - 11.1.6 Directive 2014/24/EU on public procurement, replacing Directive 2004/18/EC, for Public Sector Contracts;
 - 11.1.7 Directive 2014/25/EU procurement by entities operating in water, energy, transport and postal services sectors, replacing Directive 2004/17/EC; and Directive 2014/23/EU on award of concession contracts, which does not directly replace any previous directive.
 - 11.1.8 The Regulations, as follows:
 - 11.1.9 Public Contracts Regulations 2015 (“PCR”)
 - 11.1.10 Utilities Contracts Regulations 2016 (“UCR”)
 - 11.1.11 Concessions Contracts Regulations 2016 (“CCR”)
 - 11.1.12 as amended from time to time and all implementing the above EU Directives.
- 11.1.13 These Contract Rules of Procedure do not provide guidelines on the best way to purchase works, supplies and services. They seek to set out minimum requirements to be followed. Further information is provided by of guidance and updates on the Legal Services intranet pages, which accompany these Contract Rules of Procedure. This further information is made available and updated from time to time.
- 11.1.14 The Council has designated that the Head of Legal Services be the Monitoring Officer. The Council has designated the Head of Finance and Property be the S151 Officer. The Head of Legal Services shall be responsible for interpreting these Contract Rules of Procedure. All reference to Head of Legal Services hereafter includes any such officers nominated by the Head of Legal Services.
- 11.1.15 In the event where a Governing Body of a school, under the control of the Local Education Authority, intends to enter into a contract for works, supplies or services the Head teacher or such persons as delegated by them must follow these Contract Rules of Procedures.

- 11.1.16 In the event of a declaration of major incident the Council's Major Incident Plan and/or Business Continuity Plan may be invoked. This in turn may lead to the need to incur additional unbudgeted expenditure. When this becomes necessary the Contract Rules of Procedure will be suspended and the Chief Executive, or an officer nominated by the Chief Executive, is then authorised to incur whatever expenditure is necessary in consultation with the Head of Finance and Property. A Corporate Director will act in the place of the Chief Executive if they are unavailable.
- 11.1.17 Failure to comply with these Contract Rules of Procedure will be viewed by the Council as a breach of the Officers' Code of Conduct contained within Part 13 (Codes and Protocols) of this Constitution and may be considered a disciplinary matter.

11.2 Purpose of Contract Rules of Procedure

- 11.2.1 The purpose of these Contract Rules of Procedure is to provide a structure within which procurement decisions are made and implemented to ensure that the Council furthers its corporate objectives in an efficient manner leading to procurement of quality supplies, services and works.
- 11.2.2 These Contract Rules of Procedure protect the legal position of the Council in respect of compliance with the law and in its contractual dealings with external suppliers and contractors. They protect the interests of Members, Officers and the citizens of West Berkshire.
- 11.2.3 Every purchase, contract or official order for works, supplies or services made by the Council shall be for the purpose of implementing the Council's policies and must be made in accordance with the Council's duty of Best Value, Equality and Sustainable Commissioning.
- 11.2.4 When proposing to procure or making arrangements for procuring a service contract where the estimated value exceeds the EU Threshold (for Services) then consideration must be given as to how the procurement or contract might improve the economic, social and environmental wellbeing of West Berkshire, as required by the Public Services (Social Value) Act 2012

11.3 Tendering – Preliminaries

- 11.3.1 It is the responsibility of the Chief Executive, Corporate Directors, and Head of Services to ensure all purchases of supplies and services and works comply with:
- (a) all relevant statutory requirements;
 - (b) the relevant EU Rules including EU Treaty Principles and Directives.
 - (c) the Council Constitution including these Contract Rules of Procedure and Financial Rules of Procedure and Scheme of Delegation.
 - (d) any code, guidance or conditions approved by the Governance and Ethics Committee and/or the Executive and/or the Council to the exercises of powers delegated by them.
 - (e) any conditions attached by the Executive or the Council to the exercise of powers delegated by them.

- (f) the guidance and updates (available from time to time) on the Legal intranet pages (to include Consultancy Guides) and other policies and procedures of the Council as appropriate.

11.3.2 In the event of conflict between the above, the EU Rules will take precedence, followed by UK legislation, then (c), (d), (e), and (f) as above.

11.4 Authority

11.4.1 All transactions must fall within the powers delegated to the Chief Executive or Corporate Director or the Head of Service or must have been approved by a decision (in accordance with the Council's Constitution) of the Executive, an authorised Member of the Executive, the Council or one of its committees or sub-committees.

11.4.2 No contract, agreement or other document shall be signed or sealed unless it gives effect to:

- a decision or resolution (in accordance with the Council's Constitution) of the Executive, an authorised Member of the Executive or one of its committees or sub committees; or
- a decision by an officer exercising delegated powers.

11.4.3 Budgetary provision must exist before any contract can be entered into. This provision should be explicit in a budget approved by resolution of the Council. Where budgetary approval exists for a specific item within the Capital Programme further Member approval is generally not required.

11.4.4 For items outside of the Capital Programme (e.g. revenue) if the relevant Head of Service does not have the delegated authority then an approval or a resolution (as appropriate) is required as outlined in the table below (provided the expenditure can be met within budget) before the contract can be awarded:

Total Contract Value per annum*	Delegated decision or Resolution of:
£100,000 or less	Relevant Head of Service (or such officers as nominated by the Head of Service in writing) shall have delegated authority to award the contract.
£100,000 or more and less than £500,000	Relevant Head of Service (following recommendation of the S151 Officer and Head of Legal Services) shall have delegated authority to award the contract provided: <ul style="list-style-type: none"> a) a written report by the relevant Head of Service (or such officers as nominated by the Head of Service in writing) has been provided and approved by Commercial Procurement Board; and b) the report has been included as an "item for information" item for Corporate Board.
£500,000 or more and less than £2.5million	The award of these contracts shall require a "key decision"(as defined in Part 5.1.1 of the Constitution) delegated to be taken by relevant Head of Service in consultation with the relevant

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Total Contract Value per annum*	Delegated decision or Resolution of:
	<p>Portfolio Holder (following recommendation by the relevant Corporate Director, S151 Officer and Head of Legal Services) to award the contract provided:</p> <p>a) a written report by the relevant Head of Service (or such officers as nominated by the Head of Service in writing) has been provided and approved by <u>Commercial Procurement Board</u>; and</p> <p>b) the report has been included as an "Item for information" item for Corporate Board and to the Operations Board.</p> <p>c) b) such decision have been made in accordance with Part 5.3 (Call-In) and 5.4 (Forward Plan) of the Constitution.</p>
£2.5million or more	<p>These contracts shall require a key decision of the Executive following recommendation by S151 officer and Head of Legal Services. Executive shall receive a report from the relevant officer either recommending for the contract to be awarded or seeking delegated authority for the relevant Head of Service to award the contract in consultation with the relevant Portfolio Holder, s151 officer and the Head of Legal Services.</p>

* Total Contract Value is the calculation of the estimated value of procurement based on the total amount payable, net of VAT, including any renewals, extensions, any form of option and variation calculated in accordance with the Procurement Legislation. Please also refer to Paragraph 11.7.

- 11.4.5 All contracts over £50,000 in Total Contract Value will be reported to Commercial Procurement Board on at least a quarterly basis by the Heads of Services for review and scrutiny.

11.5 Tendering - Financial Thresholds & Procedures

- 11.5.1 Officers undertaking the procurement are responsible for ensuring that all persons awarded contracts for the supplies, services or works to the Council meet the Council's minimum standards of suitability, capability, legal status and financial standing. Where the contract is below the EU threshold for goods and services officers must not include a pre-qualification stage. However questions relating to a supplier's suitability assessment may be included provided such questions are relevant to the subject matter of the procurement and proportionate.
- 11.5.2 The financial value thresholds (exclusive of Value Added Tax) at which processes become mandatory are set out in the table below. The thresholds apply to contracts for works, supplies and services:

	Total Value £	Award Procedure	Advertising requirements
A	Less than 10,000	At least one quote must be sought from an appropriate source via the Procurement Portal.	None mandated.
B	10,000 or more and less than 100,000	Invitations to quote must be sent via the Procurement Portal to at least three appropriate sources, including at least one SME* or VCSE* organisation (where appropriate and possible) ¹ .	None mandated. However if advertising then information about the opportunity should be placed on Contracts Finder database.
C	100,000 or more and less than relevant EU threshold ²	Full competitive tender process applies and at least five written tenders must be sought via the Procurement Portal.	An advert should be placed on the Portal together with information on the Contracts Finder database
D	Relevant EU threshold ² or more	EU Procedures apply– full competitive tender process with at least five written tenders sought (where appropriate) via the Procurement portal.	An advert should be placed on the Official Journal of the European Union together with information on the Contracts Finder database.

*SME (means an enterprise falling within the category of micro, small and medium-sized enterprises) or *VCSE (means a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives).

¹The Council cannot give preference to SME/ VCSE or local contractors/suppliers, as there are legislative constraints and such a policy would be incompatible with Best Value. However, the Council recognises that there can be barriers limiting or restricting the ability of such smaller suppliers to compete for Council business. The Council will seek to reduce the impact of such barriers, where it can do so legally, without discrimination, and without placing unacceptable levels of risk on the Council.

²There are three different EU thresholds for Works; Supply and Services; Social and Other Specific Services. The latest values are published on Legal intranet page as updated from time to time.

11.6 Tendering - Advertising

- 11.6.1 There is a general presumption in favour of competition. Subject to advertising requirement in paragraph 11.5.2 (Tendering- Financial Thresholds and Procedures)
- 11.6.2 all contract opportunities being advertised by the relevant Head of Service should be done so electronically on the Council's Procurement Portal to ensure that such opportunities also appear on the Contracts Finder database For opportunities relating to works, services and supplies which fall below the EU threshold a UK Government Certified national database can be used to select tenderers.

11.6.3 Subject to 11.6.1 (above) all contract opportunities which are:

- above the EU thresholds; and
- subject to the full application of EU Rules

must be advertised by notice in the Official Journal of the European Union ("OJEU notice") and Contracts Finder database prior to such advertisement appearing on any other advertising medium (such as trade journal etc.). Contracts Finder means a web-based portal provided by the Cabinet Office.

11.6.4 However under the EU Treaty principles where the contract is of potential cross border interest then it must be publicised to ensure that tenderers from other member states have an opportunity to participate and the process is conducted in a fair and transparent manner.

11.6.5 Where a contracts is above the EU financial threshold there are five main types of EU procedures available. These are Open procedure, Restricted procedure, Competitive procedure with negotiation, Competitive dialogue and Innovation partnership. Care must be taken to ensure that the correct and most appropriate procedure is used and advice is sought from Legal Services on the choice and use of EU procedure. OJEU notices must be approved and issued by Legal Services who will also assist in the conduct of the procurement.

11.7 Tendering - Contract Value & Aggregation

11.7.1 The contract value shall be the total cost of the supply, service or work to be procured over the contract term. The starting point for calculating the contract value for the purposes of these Contract Rules of Procedure is that the contract value shall be the genuine pre-estimate of the value of the entire contract excluding Value Added Tax. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period (including proposed extensions, variations and options).

11.7.2 There shall be no artificial splitting or disaggregation of a contract to avoid the application of the provisions of the Procurement Legislation and/or these Contract Rules of Procedure.

11.7.3 The Procurement Legislation can cover contracts, which are below the stated EU threshold, where they constitute repeat purchases and/or purchases of a similar type in a specified period. Officers responsible for the procurement should therefore seek advice on the application of the Procurement Legislation where they envisage that they may be required to make such purchases.

11.8 Tendering - Principles and Evaluation

11.8.1 All tendering procedures (including obtaining quotes), from planning to contract award and execution (seal or signature), shall be undertaken in a manner so as to ensure:

- sufficient time is given to plan and run the process;
- equal opportunity and equal treatment;
- openness and transparency;

- proportionality;
- probity;
- outcomes that deliver sustainability, efficiency and cost savings (where appropriate).

11.9 Tendering - Submission and Opening of Tenders

- 11.9.1 An electronic Invitation to Tender shall be issued by the Council for all contracts with an estimated value of £100,000, or more and tenders shall be submitted electronically via the Council's Procurement Portal.
- 11.9.2 The Council Procurement Portal and the Invitation to Tender must specify the format in which an electronic tender is submitted by tenderers and such tenders shall be stored in a secure portal account which is locked until the date and time specified for its opening.
- 11.9.3 No tender received after the time and date specified for its opening shall be accepted or considered by the Council unless the Head of Legal is satisfied that there are exceptional circumstances and the other tenders have not been opened.
- 11.9.4 The electronic opening of tenders submitted on the Procurement Portal shall be conducted by a Procurement or Legal Officer and the relevant Head of Service or their nominated representative.
- 11.9.5 Only in limited circumstances a tender process should be undertaken by hard copy submissions. In such cases written approval of the Head of Legal Services is required. The following circumstances shall apply:
- 11.9.6 The Invitation to Tender shall specify that such tenders should be returned to the relevant Head of Service; in an unmarked, plain and sealed envelope marked "Tender" followed by the subject matter to which it relates and:
- (a) Tenders should be kept unopened in a secured cabinet until the tender opening date; and
 - (b) The relevant Head of Services shall invite the appropriate Portfolio Holder and an officer from Legal Services to undertake the tender opening and shall complete a standard tender opening form as issued by Legal Services (available on the intranet) in order to avoid risk of challenge.

11.10 Tendering – Evaluations of Quotes and Tenders

- 11.10.1 All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in advance to those submitting quotes/tenders.
- 11.10.2 Tenders subject to the EU Rules shall be evaluated in accordance with the EU Rules. Advice from Legal Services should be sought on the selection and evaluation criteria.
- 11.10.3 Save in exceptional circumstances approved in advance by the relevant Head of Service all contracts shall be awarded on the basis of the quote or tender which is most economically advantageous and represents best value for money to the Council and not on the basis of lowest price.

11.11 Exclusions and Exceptions to Contract Rules of Procedure

11.11.1 Exclusions

11.11.2 The requirement to conduct a competitive procurement process is excluded in the following circumstances:

	Type of circumstance	Written record and approval
a)	the proposed contract is excluded under the Procurement Legislation.	Prior written approval from the Head of Legal Services is required.
b)	the proposed contract is being awarded under a Purchasing Scheme (refer to 11.12) of a type where a competition has already been undertaken on behalf of the Council or other public sector organisation; or	Prior written approval from the Head of Legal Services is required.
c)	the proposed contract is an extension to or a variation of the scope of an existing contract where the existing contract provides for such extension or a variation or where the variation is a modification permitted under the Procurement Legislation.	For contract value below £50,000 prior written approval from the Head of Legal Services and S151 Officer is required. For contract value greater than £50,000, approval of the Commercial Procurement Board , following the submission of an extension report to Commercial Procurement Board with recommendation from Head of Legal Services and S151 Officer
d)	the contract is for the following social care services: <ol style="list-style-type: none"> i. residential placements sought for an individual with a registered care provider of their choice; ii. supported living services sought for an individual with an appropriate care and support provider of their choice under the National Health Service and Community Care Act 1990; iii. individual school placements sought for a child with Special Educational Needs (SEN); 	Head of Service must ensure that a record of the reasons for the choice of provider is maintained on the individual's case notes. A record of the annual cumulative expenditure with each provider should be maintained by each directorate and made available for audit.

Type of circumstance	Written record and approval
iv. social care packages managed by or on behalf of individual clients under the personalisation agenda; v. where certain needs of an individual (either an adult or a child) require a particular social care package, which is only available from a specific provider. vi. residential placements sought for an individual under the Shared Lives scheme (or any equivalent scheme).	

- 11.11.3 In the interests of clarity where an exemption is applied all contracts with an annual or total value of more than £50,000 must be approved by [Commercial Procurement](#) Board. Please refer to 11.11.4.
- 11.11.4 Exceptions
- 11.11.5 Subject to 11.11.6 the requirement for the Council to conduct a competitive purchasing process for contracts in excess of £9,999, may be excepted or waived in the following circumstance:
- for contracts which are not subject to the EU Rules, the work, supply or service is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property; or
 - at the discretion of the relevant Corporate Director and/or the Chief Executive, acting lawfully, who may proceed in a manner most expedient for the efficient management of the Council with reasons recorded in writing.
- 11.11.6 Only the Head of Legal Services and/or the Head of Finance and Property (as S151 Officer) may grant a waiver or an exception to these Contract Rules of Procedure, subject to Exception Values and delegations below. An Officer, who seeks a waiver of Contract Rules of Procedure, shall do so only in advance and only in exceptional circumstances.
- 11.11.7 Exception values and delegations
- (a) For all contracts up to £49,999 the Section 151 Officer or nominated Officer must approve the exception.
- ~~(b)~~ For contracts between £50,000, and £5200,000, the Section 151 Officer or nominated Officer will consult with the Head of Legal Services and the appropriate Corporate Director provided an exception report has been approved by [Commercial Procurement](#) Board.
- ~~(e)(b)~~ For contracts between £200,000 and £500,000 the exception will be dealt with by way of recommendation to Corporate Board after consultation with the Section 151 Officer and with the Head of Legal

~~Services or such officer as nominated by them provided an exception report has been approved by the Commercial Board.~~

~~(d)~~(c) For contracts over £500,000 the Section 151 Officer and the Head of Legal Services or such officer as nominated by them will make a recommendation to the Executive provided an exception report has been prepared and approved by ~~Commercial~~Procurement Board and Corporate Board.

11.11.8 All exceptions or waivers to these Contract Rules of Procedure must be:

- fully documented;
- subject to a written exception report to be submitted in advance to ~~Commercial~~Procurement Board (for 11.11.3 b, c, d) by the relevant Head of Service or Corporate Director which shall include reasons for the exception or waiver which demonstrate that the exception or waiver is genuinely required;
- subject to approval by the Section 151 Officer who shall record they have considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver are genuinely exceptional. Applications for waivers which are a result of poor contract planning will rarely be considered genuinely exceptional;
- relevant approval has been sought under 11.11.3.

11.11.9 For contracts subject to the EU Rules, any waiver or an exception from the requirement for competition must meet the conditions set out in the EU Rules in addition to the general requirements above.

11.12 Purchasing Schemes

11.12.1 An officer responsible for the procurement exercise may use Purchasing Schemes subject to the following conditions:-

11.12.2 An officer responsible for the procurement must seek advice in advance that:

- the Council is legally entitled to use the Purchasing Scheme;
- the purchases to be made do properly fall within the coverage of the Purchasing Scheme;
- the establishment and operation of each Purchasing Scheme is in compliance with the EU Rules (where they apply) and meets the Council's own requirements.

11.12.3 A "Purchasing Scheme" may include:

- Contractor prequalification lists/select lists;
- Framework arrangements (including those set up by the Government Procurement Service);
- Purchasing arrangements set up by central purchasing bodies and commercial organizations;
- Consortium purchasing;
- Collaborative working arrangements;
- Formal agency arrangements;

- E-procurement / purchasing schemes and methods;
- Other similar arrangements.

11.12.4 Where a Purchasing Scheme is used then there shall be a whole or partial exemption from the obligations under these Contract Rules of Procedures in respect of the choice and conduct of procedures. Advice should be sought from Legal Services prior to entering to such arrangements.

11.13 Reporting Requirements

11.13.1 A written report should be drawn by the relevant Head of Service for each contract that is awarded which is above EU threshold and subject to the Procurement Legislation. The Procurement Legislation places an obligation on the Council to document, for each procurement, key decision and steps taken and stages leading to the award of contracts. This report may be requested by the European Commission and/or the Cabinet Office and should be kept for a period of 3 years. A guidance note and template for such report ~~will be made~~ available ~~by way of guidance and updates~~ on the Legal Services intranet pages which accompany these Contract Rules of Procedure.

11.13.2 In addition to the above, the relevant Head of Service should document the progress of all procurement procedures including ensuring sufficient information is kept to justify decisions such as communications with contractors and internal deliberations, preparation of procurement documents, any dialogue and negotiation, selection and award. Documentation must be kept for three years from the award of the contract.

11.14 Prevention of Corruption

11.14.1 The public is entitled to demand of Local Government Officers conduct of the highest standard. Public confidence in their integrity would be undermined were the least suspicion, however ill-founded, to arise that they could in any way be influenced by improper motives.

11.14.2 Where a Member or Officer of the Council has an interest in a contract or a proposed contract whether it is a disclosable pecuniary interest or otherwise and is also involved in the process of letting or managing of that contract, this interest must be registered with the Monitoring Officer who shall decide on whether that Member or Officer should be involved or not.

11.14.3 In the case of ownership of shares Members should seek advice from the Head of Legal Services as to the current level of share ownership accepted by the Governance and Ethics Committee or any such successor authority as being de minimus for the purposes of declarations of interest.

11.15 Entering into a Contract

11.15.1 There should be written evidence of all purchases, including electronic evidence.

11.15.2 All contracts entered into by the Council must be in writing in a form approved by the Head of Legal Services or their delegated officer. Where a standard form of contract is used, or a standard form is to be amended, the form of contract shall be prepared/amended by the Head of Legal

- Services or his delegated officer. The Head of Legal Services shall retain all relevant contract documents.
- 11.15.3 The relevant Head of Service must formally notify the Head of Legal Services (or nominated officer) of the award of all contracts with the relevant data for the purpose of it being recorded on the Council Contract Register.
- 11.15.4 Every contract shall include wherever possible the standard clauses set out in Standard Form of Agreement issued and updated from time to time by the Head of Legal Services or their nominated officer and available from Legal Services.
- 11.15.5 As a minimum, where appropriate, all contracts shall include clauses which set out:
- the works, supplies (goods), services, material, matters or things to be carried out or supplied;
 - the time within which the contract is to be performed. Quality requirements and/or standards which must be met;
 - requirements on the contractor to hold and maintain appropriate insurance;
 - what happens in the event that the contractor fails to comply with its contractual obligations (in whole or in part);
 - requirements on the contractor to comply with all relevant equalities and health and safety legislation;
 - that the Council shall be entitled to cancel the contract and recover losses in the event that the contractor does anything improper to influence the Council to give the contractor any contract or commits an offence under the Bribery Act 2010.
 - payment obligations which require that:
 - (a) any payment due from the Council is made no later than 30 days from the date on which the relevant invoice is regarded as valid and undisputed; and
 - (b) any subcontract imposes obligations similar to those required above (a) and an obligation that the subcontractor is required to impose such obligations in any further subcontract.
 - All contracts shall include relevant specifications and/or briefs/technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability and efficiency (as appropriate).

11.16 Legal Consideration

- 11.16.1 *Indemnities*: No relaxation of full indemnities releasing the Council from all liability whether provided by public liability insurance or other instrument should be allowed unless authorised in writing by the Head of Legal Services and the Head of Finance and Property or nominated Officer.
- 11.16.2 *Risk Assessment & Performance Bond*: Where a contract is estimated to exceed £500,000, in value or amount and is for the execution of works (or

for the supplies or services by a particular date or series of dates) the relevant Head of Service should consider requiring a performance bond (for an amount equal to 10% of the value of the contract) from the contractor. The bond must be in a form approved by Legal Services and must be included in the Invitation to Tender. This is to provide sufficient security for the due performance of the contract. If a performance bond is considered not necessary then the relevant Head of Service must:

- (a) undertake a risk assessment in writing; and
- (b) seek approval from the Head of Finance and Property; and
- (c) keep a copy the risk assessment on the contract file for inspection.

11.16.3 *Insurances:* Every contract should be assessed for risk. If the risk assessment identifies the need for insurance the Head of Service must:

- in consultation with the Head of Finance and Property or nominated Officer set adequate levels of insurance cover. This includes employer's liability, public liability and any other as determined by the needs of the particular contract;
- in consultation with the Head of Finance and Property or nominated Officer ensure that the required insurances are in fact held by the contractor and that the policies concerned are renewed, if necessary, during the period required;
- in consultation with the Head of Finance and Property or nominated Officer who must ensure the contractor's status under the Inland Revenue Construction Industry Tax Deduction Scheme (for construction contracts);
- in consultation with the Head of Finance and Property set an appropriate level of professional indemnity insurance for each specific contract that require professional and/or design services. This should not be a standard level but be assessed on a case by case basis.

11.16.4 *Sealing:* All contracts above the value of £49,999 shall be sealed. The affixing of the seal shall be attested and witnessed in writing by the Head of Legal Services, or an Officer duly designated by them in accordance with the delegated powers conferred by the Council. An entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by the person attesting the sealing.

The Common Seal shall be in the Custody of the Head of Legal Services and kept in a safe place at their discretion. The Common Seal of the Council may be affixed to any document that has been approved by a resolution of the Council; or of the appropriate Committee or an Officer to which the Council or the Executive has delegated its powers on its behalf, provided that a resolution of the Council or of the appropriate Committee or Officer where that appropriate Committee or Officer has the appropriate authority authorising the acceptance of any tender, the purchase, sale, letting or taking of any property, the issue of stock, the presentation of any petition, memorial or address, the making of any rate, contract or order, or

any other matter or thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.

The Common Seal of the Council may be affixed to any:

- petition to be presented to Parliament against the promotion of any Bill or confirmation of any Provisional Order which the Council opposes;
- mortgage in respect of a loan arranged by the Head of Finance and Property or nominated Officer under the powers of Heads of Service approved by the Council;
- incomplete form of transfer for the duly authorised sale of securities by the Council as necessary for the purposes of dealing with stocks and shares in accordance with the Stock Transfer Act 1963.

11.16.5 *Signature of Documents:* Where any document will be a necessary step in legal proceedings on behalf of the Council it shall, unless any enactment otherwise requires or authorises or the Council shall have given the necessary authority to some other person for the purpose of such proceedings, be signed by the Head of Legal Services.

11.16.6 Where it becomes necessary to execute any document on behalf of the Council not required by law to be under Seal, the Head of Legal Services or an Officer designated by them in accordance with the delegated powers conferred by the Council shall be deemed to have authority to sign such a document accordingly. A register of such documents shall be kept by the Head of Legal Services or Officer duly designated by them.

11.16.7 *Counsel:* Within budget, the Head of Legal Services (or nominated officer) shall have discretion to select Counsel, obtain Counsel whenever it is considered expedient in the Council's interest to do so.

Appendix H - Proposed Amendments to Part 13 of the Constitution

Appendix K

Social Media Protocol for Councillors

1. Introduction

- 1.1 This protocol (“Protocol”) was last reviewed and updated on 6 December 2018.
- 1.2 This Protocol should be read in conjunction with the Councillor’s Code of Conduct (“Code of Conduct” - Appendix H to Part 13 Codes and Protocols of the Council’s Constitution), the Council’s ICT Policy, the Council’s Equalities Policy, and the Local Authority Code of Publicity under the Local Government Act 1986.
- 1.3 For consistency and ease of understanding this Protocol adopts the definitions used in Appendix 1 of the Code of Conduct (“Councillor”, “Capacity”, etc).
- 1.4 Advice on the use of social media can be sought from different departments across the Council but enquiries should in the first instance be directed to the Head of Strategic Support, West Berkshire Council, Market Street Offices, Market Street, Newbury, RG14 5LD.

2. Purpose and Application

- 2.1 This Protocol seeks to ensure that:
 - Councillors make use of social media effectively whilst avoiding breaches of the Code of Conduct; and
 - the reputation of the Council is not adversely affected, and that the Council is not subject to legal challenge, as a result of Councillors’ use of social media.
- 2.2 This Protocol will apply to Councillors using social media who are acting, purporting to act, or reasonably perceived to be acting, in their Capacity as a Councillor – all references to “Councillor” below adopt this definition.
- 2.3 For the purposes of this Protocol, social media has a broad meaning. By way of example, this will include but will not be limited to the following types of social media: Facebook, Instagram, Twitter, Snapchat, You Tube and local internet based discussion forum
- 2.4 You should bear in mind that anything posted, shared (for example by retweeting), or liked on social media could end up in the public domain, regardless of any privacy settings that you have applied.
- 2.5 Particular care needs to be taken when sharing the views or comments of others as this could be perceived as an endorsement of the content regardless of your intention.

It is difficult to give definitive advice on the application of the Code of Conduct to social media use and there is developing case law in this area. However, if you use a social media platform where you identify yourself or can otherwise be identified as a Councillor, either in your profile or otherwise, there is a strong likelihood that you will be regarded as acting in your Capacity as a Councillor.

- 2.6 Bear in mind the Code of Conduct when you blog, post, use social networking sites or any other digital content publication service. You should pay particular attention to the requirements of the Code relating to:
- courtesy and respect;
 - bullying or intimidating behaviour;
 - disclosure of confidential information;
 - conduct that could bring your office or the Council into disrepute;
 - misuse of the Council's resources.
- 2.6 The content of a blog, account, page or other social networking tool and the circumstances surrounding its creation will determine whether or not you are deemed to be acting in your Capacity as a Councillor. There are however some general rules that Councillors should bear in mind when deciding on whether to publish content:
- only publish on social media what you would say verbally in public, even in an informal discussion;
 - only publish on social media what you could defend in court if asked to do so; and
 - if retweeting or forwarding the views of others, ensure that it is clear whether you are endorsing or otherwise the original content.

3. Guidance

- 3.1 All Councillors are required to act in accordance with the Code of Conduct.
- 3.2 Social media is an effective method by which Councillors can interact with constituents and support local democracy. Used effectively, Councillors can engage those who would not normally have access to local councillors and politics.
- 3.3 This Protocol is intended to assist Councillors in complying with the Code of Conduct and ensuring that the use of social media is well received. You should think about what you say and how you say it, in just the same way as you must when making statements in person or in writing.
- 3.4 Whenever you are using social media, you should be aware that such activity may be subject to the Code of Conduct. Councillors are permitted to write their own official blogs or pages as members of the Council but they must always conform to the Code of Conduct and other relevant policies and protocols of the Council.
- 3.5 It should be noted that privacy settings will not prevent others with access to your comments from sharing your views with a broader audience. Therefore, notwithstanding the privacy settings applied to any of your social media accounts, you must bear in mind that if you refer to council business in it, you may be viewed as acting in your Capacity.
- 3.6 To make sure you comply with the Code of Conduct, it is suggested that when using social media as a Councillor, you should observe the Guidelines below. You may also wish to adopt these principles even when you regard your social media activity as being conducted in your private capacity, as this should reduce the potential that allegations are made against you that you have breached the Code of Conduct.

4. Derogatory comments against you

- 4.1 On occasion, Councillors might find themselves the subject of offensive or defamatory remarks on other people's blogs, accounts, pages or networking sites.

- 4.2 If you become the subject of offensive on-line behaviour or trolling, it is suggested that you pursue a policy of indifference and, if you do wish to respond, do so in a measured manner, eg asking the blog/account/page owner/person making the remarks to remove them from the site.
- 4.3 If the person making the comments is a local authority, town or parish councillor, discuss the situation with the Monitoring Officer. It might be the case that the person has breached the Code of Conduct by making the remarks, and it could be appropriate to make a complaint to the Governance and Ethics Committee.
- 4.4 If you are subject to unacceptable on-line behaviour, you should seek advice from the Monitoring Officer as to whether there is any action that can be taken by the Council in this regard.

5. Use of social media during and after Meetings

- 5.1 Councillors are permitted to use social media for the reporting of proceedings of public Council meetings. Councillors will need to consider whether using social media may distract them from participating and understanding information that is being shared at the meeting prior to a decision being made to use social media at any point or points during the meeting.
- 5.2 Councillors should however switch their mobile phone or other equipment to silent mode, so that no disruption is caused to proceedings. If, at a meeting, a Councillor's use of an electronic communication device is causing proceedings to be disrupted any councillor may move that the Councillor should desist from using the device. If the motion is seconded it should be put to the vote without discussion.
- 5.3 Members wishing to record (whether in an audio or visual format) meetings will need to do so in accordance with (as pertinent) the Council Rules of Procedure, Executive Rules of Procedure, Overview and Scrutiny Rules of Procedure, and/or Regulatory and Other Committees Rules of Procedure.

Social Media Guidelines

You should always:

- conduct yourself in a manner that is respectful of others - this does not prevent you from holding opposing views and expressing political opinion, but views should be expressed in an appropriate manner;
- keep an eye out for defamatory, untrue or obscene posts from others on your blog, account or page and remove them as soon as possible to avoid the perception that you condone such views, and to prevent any potential libel action being taken against you;
- act in accordance with the Council's policies, including but not limited to the Council's Equality Policy;
- be aware that the higher your profile as a Councillor, the more likely it is you will be seen as acting in your official capacity when you blog, post or network;
- be careful about being 'friends' with service users who are vulnerable adults or children, as this could be regarded as a safeguarding issue;
- ensure you use Council facilities appropriately; and be aware that any posts you make using Council facilities will be viewed as being made in your official capacity and/or an inappropriate use of Council resources;

- consider that English Law allows court actions for libel to be brought for published statements alleged to defame a named or identifiable individual or individuals, and that blogging, social media and other forms of digital content publication are covered by the libel laws.

You should never:

- blog, post, tweet, network, or otherwise use social media in haste;
- engage in any form of personal attack on an individual that may be seen as disrespectful - general comments about another political party or genuine political expression is less likely to be viewed as disrespect;
- place images or text on social media from a copyrighted source (for example extracts from publications or photos) without permission;
- post comments on social media that you would not be prepared to make in writing or face to face;
- make any comments on social media that you could not defend in court;
- disclose any information identified by the Council as confidential or exempt;
- disclose information given to you in confidence by anyone or information acquired by you which you believe or are aware is of a confidential nature;
- publish personal information relating to individuals, including photographs, unless you have their permission to do so;
- give the impression that you are expressing the views of the Council where it is not appropriate to do so;
- use online accounts and digital publishing services associated with a specific council office if you no longer hold that office, or during Purdah;
- if you are involved in determining planning or licensing applications or other quasi-judicial decisions, publish anything on your blog, account or page that might suggest you do not have an open mind about a matter you may be involved in.

Proposed Member Induction & Development Programme 2019/2020

Committee considering report:	Council on 6 December 2018
Portfolio Member:	Councillor Dominic Boeck
Date Portfolio Member agreed report:	1 November 2018
Report Author:	Moira Fraser
Forward Plan Ref:	C3632

1. Purpose of the Report

- 1.1 To give consideration to, and agree, the proposed Member Induction and Development Programme for 2019/20 following the forthcoming District Council Election in May 2019. The programme was considered and endorsed by the Member Development Group on 24th September 2018.

2. Recommendation

- 2.1 Members are asked to discuss and, if appropriate, agree the proposed Member Induction and Development Programme for 2019/20.

3. Implications

- 3.1 **Financial:** The Member Induction and Development programme will be delivered within the existing budget.
- 3.2 **Policy:** The Member Induction and Development programme will be delivered as part of the Member Development Strategy.
- 3.3 **Personnel:** The Member Induction and Development programme is established, managed and monitored by officers within Strategic Support and the delivery of sessions is cross-service, usually at Head of Service level.
- 3.4 **Legal:** NA
- 3.5 **Risk Management:** NA
- 3.6 **Property:** NA
- 3.7 **Other:** NA

4. Other options considered

- 4.1 Following consultation, various sessions were put forward for inclusion in the programme and were considered by the Member Development Group.
- 4.2 Not to run a Member Induction and Development Programme.

Executive Summary

5. Introduction / Background

- 5.1 District Council Elections will take place in West Berkshire in May 2019. Traditionally, all Members, but particularly newly elected Members, are provided with an initial Induction programme of training following the Election. A shortened programme of Member Development is also run in the latter part of the year to brief all Members on relevant current issues. The programme will remain flexible and if needed additional development sessions can be included at a later date.
- 5.2 The Member Development Group met on 24th September 2018 and gave consideration to the Members Induction Programme that was provided after the District Council Elections in 2015. This was considered alongside feedback received from Members and Heads of Service on the previous Induction Programme and the headline proposals for the 2019 Programme.
- 5.3 All Members will be welcome to attend all sessions but key induction sessions will be mandatory for new Members. Equally, as always, some development sessions remain mandatory for some or all Members. Please see programme for details.
- 5.4 All Members will be offered training on how to make best use of the IT equipment provided to them after the election.

6. Proposal

- 6.1 That the proposed Member Induction and Development Programme (attached at Appendix C) is agreed.

7. Conclusion

- 7.1 The proposed Member Induction and Development Programme once agreed will be in place for May 2019.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Proposed Member Induction and Development Programme 2019/20

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Resources
Service:	Strategic Support
Team:	Member Services
Lead Officer:	Jude Thomas
Title of Project/System:	Member Induction and Development Programme 2018/19
Date of Assessment:	16.07.2018

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	X
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	X
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	X
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	X
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	X
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	X
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	X

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To agree the Member Induction and Development Programme for 2019/20
Summary of relevant legislation:	NA
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Jude Thomas
Date of assessment:	16.7.18

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	No
Service	Yes		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To inform all
Objectives:	
Outcomes:	For all Members to be fully briefed
Benefits:	

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age		
Disability		
Gender Reassignment		
Marriage and Civil		

Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name:

Date:

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

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**Proposed Member Induction programme
and Member Development Programme 2019/20**

Post Election Induction Programme

Session and content	Date, venue and time	Delivered by
Mandatory sessions for all Members		
<p>IT Training sessions for all Members Training to be provided to all Members before collecting their WBC IT equipment</p>	<p>07 May 2019 Roger Croft Room/ Shaw House (TBC) Five sessions across the day</p>	<p>Kerry Taylor, HR</p>
<p>Introduction to Equalities – Mandatory for all Members Definitions, legislations and its relevance to West Berkshire</p>	<p>28 May 2019 Council Chamber 6pm</p> <p>Or</p> <p>10 June 2019 Council Chamber 2pm</p>	<p>Head of Commissioning Equalities Officer Legal Services</p>
Mandatory sessions for new Members (All Members welcome)		

Session and content	Date, venue and time	Delivered by
<p>Welcome to West Berkshire Council</p> <p>Introduction to Local Government</p> <ul style="list-style-type: none"> - Introduction to West Berkshire Council - Overview of directorates and services - The bigger picture - partnerships - Your role as a Corporate Parent - The WBC workforce and the assistance you can expect. 	<p>07 May 2019 Great Hall Shaw House 6pm</p>	<p>Chief Executive Corporate Directors Heads of Service</p>
<p>Security and registration with the Information Commissioner</p> <ul style="list-style-type: none"> - An explanation of Freedom of Information and Data Protection issues <p>Surviving the first three months – what Members really need to know</p> <ul style="list-style-type: none"> - Your role including ward representation - The roles of back benchers and Executive Members - The democratic process in detail (Part I and Part II papers) - What each committee does and how it operates - What to expect at meetings. - How does the Council meeting function including rules of debate, dress code, how to address colleagues - Member/Officer relationships - Dealing with enquiries from the public - Outside Bodies - Housekeeping – car parking, allowances <p>The Rules of Governance</p> <ul style="list-style-type: none"> - Decision making and the law - The Council's Constitution - The Code of Conduct including Social Media Protocol - Declaration of Interests, Gifts and Hospitality - The role of the Governance and Ethics Committee in dealing with complaints 	<p>09 May 2019 Council Chamber 2pm</p> <p>Or</p> <p>13 May 2019 Council Chamber 6pm</p>	<p>Head of Strategic Support Head of Legal Services Democratic Services Manager Deputy Monitoring Officers Data Protection Officer</p>



Session and content	Date, venue and time	Delivered by
<p>Introduction to Local Government Finance</p> <ul style="list-style-type: none"> - How the Council is funded and how performance is reported. - The Medium term Financial Strategy - The Capital Strategy - The Investment and Borrowing Strategy 	<p>14 May 2019 Council Chamber 6pm</p> <p>Or</p> <p>03 June 2019 Council Chamber 2pm</p>	<p>Head of Finance and Property</p>
<p>Safeguarding</p> <ul style="list-style-type: none"> - Everybody's business. Safeguarding for adults and children - Reference to County Lines – with Thames Valley Police - What to do if you become aware of an allegation 	<p>16 May 2019 Council Chamber 6pm</p> <p>Or</p> <p>19 June 2019 Council Chamber 2pm</p>	<p>Head of Adult Social Care</p> <p>Head of Children & Family Services</p> <p>Democratic Services Manager</p>
<p>Introduction to the Council's Policy Framework</p> <ul style="list-style-type: none"> - West Berkshire 2036 - Council Strategy 2019/2023 - West Berkshire Local Plan - Economic Strategy - Housing Strategy - Building Communities Together - Parish Planning and the Devolution agenda 	<p>20 May 2019 Council Chamber 2pm</p> <p>Or</p> <p>04 June 2019</p>	<p>Strategic Support</p> <p>Planning</p> <p>Housing</p> <p>Building Communities Together</p> <p>Finance and Property</p>



Session and content	Date, venue and time	Delivered by
<ul style="list-style-type: none"> - Property Investment Strategy - The Corporate Programme 	Council Chamber 6pm	
Mandatory sessions for all Members appointed to Planning Committees (All Members welcome)		
<p>An introduction to the Planning Process</p> <ul style="list-style-type: none"> - The planning process and legislation - Planning policy at the national level - The role of Members and Officers - The role of Ward Members and Executive Members - How planning applications are dealt with - Committee meetings, call ins, site visits - Planning Appeals 	<p>09 May 2019 Council Chamber 6pm</p> <p>Or</p> <p>13 May 2019 Council Chamber 2pm</p>	<p>Planning Legal Services</p>
Mandatory sessions for all Members appointed to Licensing Committee (All Members welcome)		
<p>An introduction to the Licensing Process</p> <ul style="list-style-type: none"> - Overview of the Licensing Act 2003 - Overview of the Gambling Act 2005 - The Members role and how Sub-Committees run 	<p>15 May 2019 Council Chamber 2pm</p> <p>Or</p> <p>20 May 2019</p>	<p>Public Protection and Culture Legal Services.</p>



Session and content	Date, venue and time	Delivered by
	Roger Croft Room 6pm	
Mandatory sessions for all Members appointed to Appeals Panel (All Members welcome)		
<p>Your role in Appeals</p> <p>A guide to:</p> <ul style="list-style-type: none"> - HR disciplinary appeals (dismissal of employees) - Home to School Transport Appeals, - Council Tax Appeals 	<p>15 May 2019 Council Chamber 6pm</p> <p>Or</p> <p>21 May 2019 Council Chamber 2pm</p>	<p>School TransportTeam HR Strategic Support Legal Services Revenues and Benefits</p>

2019/20 Member Development Programme

Session and content	Date and time	Delivered by
Member Development Programme 2019/20		
<p>Chairing Skills This training is designed to enable Members to consider all aspects of the Chairman's role and encourage them to devise practical ways of developing their performance in this area.</p>	<p>11 June 2019 Council Chamber 6.30pm</p>	<p>Mark Palmer, Development Director South East Employers</p>
<p>Risk Management and Civil Contingencies An introduction to Risk Management within the Council and to the Emergency Operations Centre</p>	<p>June and July 2019 (repeat)TBC</p>	<p>Civil Contingencies Manager Strategic Support</p>
<p>Communications</p> <ul style="list-style-type: none"> - Different ways to engage with our communities - Why do we need the media? - How do we engage with the media? - What to do when contacted by the media? - Newspaper versus Broadcast - Local media – The picture 	<p>16 July 2019 Council Chamber 6pm</p>	<p>The Press Team</p>
<p>Corporate Parenting An introduction to your role as a corporate parent.</p>	<p>25 June 2019 Council Chamber 4pm followed by Corporate Parenting Panel</p>	<p>Corporate Director - Communities</p>
<p>Planning, Appeals & Licensing Update</p>	<p>Ad hoc</p>	<p>Relevant Heads of Service</p>

Session and content	Date and time	Delivered by
Policy & Finance Update	14 October 2019 Council Chamber 2pm Or 21 October 2019 Council Chamber 6pm	Chief Executive Head of Finance Head of Strategic Support
Policy & Finance Update	March 2020 Dates to be confirmed	Chief Executive Head of Finance Head of Strategic Support
Corporate Programme An introduction to the Council's Corporate Programme.	10 September 2019 Council Chamber 2pm Or 16 September 2019 Council Chamber 6pm	Strategic Support Chief Executive
Health and Wellbeing	November 2019 TBC	Corporate Director Communities Health and Wellbeing Board Strategic Support
Scrutiny	January 2020 TBC	External Training
Complaints, Freedom of Information Requests, Data Protection and Case Work	February 2020 TBC	Strategic Support Waste Highways



Session and content	Date and time	Delivered by
Education	April 2020 TBC	Children and Young People

The mentoring of new Members by existing Members to be arranged by the Groups.

2019/20 West Berkshire Council Timetable of Public Meetings

Committee considering report:	Council on 6 December 2018
Portfolio Member:	Councillor Graham Jones
Date Portfolio Member agreed report:	1 November 2018
Report Author:	Moira Fraser, Democratic and Electoral Services Manager
Forward Plan Ref:	C3658

1. Purpose of the Report

1.1 To recommend a timetable of meetings for the 2019/20 Municipal Year.

2. Recommendation

2.1 To approve the timetable of public meetings for the 2019/20 Municipal Year.

3. Implications

- 3.1 **Financial:** There are no financial implications associated with the publication of this report. The costs associated with holding meetings, Members' attendance and the publication of agendas will be met from existing budgets.
- 3.2 **Policy:** This report accords with the Council's policy of publishing its timetable of meetings.
- 3.3 **Personnel:** None.
- 3.4 **Legal:** None.
- 3.5 **Risk Management:** None.
- 3.6 **Property:** None.
- 3.7 **Other:** n/a.

4. Other options considered

4.1 None

Executive Summary

4.2 The timetable of meetings for the Municipal Year 2019/20 is attached as Appendix C to the report and has been based on the following:

- Council meetings to be held in May, July, September, December and March;
- Executive meetings have been arranged to take cognisance of democratic requirements and holiday periods but are usually held approximately every six weeks;
- Area Planning Committees (both Western and Eastern) to be held on a three weekly cycle with provisional dates included for District Planning Committees. District Planning Committees will only be held if the meetings are required and additional meetings may be arranged to ensure that Planning timescales are adhered to;
- Four Overview and Scrutiny Commission meetings have been scheduled;
- Licensing Committee meetings have been set for June and November 2019 and additional meetings will be arranged on an ad hoc basis;
- Health and Wellbeing Board meetings are held in May, September, November and January. Additional development sessions are also included on the timetable;
- Governance and Ethics Committees have been arranged to meet deadlines for Council meetings and to facilitate the signing off of the Council's financial accounts;
- Personnel Committee meetings are arranged on an ad hoc basis;
- Four Corporate Parenting Panels are scheduled (June, September, December and March);
- Two District/Parish Conferences are scheduled each year (at the request of parishes these will be held on two different days of the week);
- Member Induction and Development sessions are scheduled in the timetable. Any changes to the Programme, which will be agreed at this meeting, will be included on this timetable.
- Joint Public Protection Committees have provisionally been included on the timetable but may be subject to change following discussions with colleagues in Bracknell Forest and Wokingham Borough Councils.
- Additional group meetings will be added to the timetable after the May 2019 election.

4.3 In addition the timetable, once agreed, is also shared with Town and Parish Councils and the Fire Authority so that it can be taken into consideration when their schedules of meetings are agreed.

5. Conclusion

5.1 The schedule has been drafted to ensure that the number of meetings takes into account the volume of business demands. Early adoption will allow time for Members to put meetings into their diaries prior to the commencement of the Municipal Year. The timetable will also form the basis of a committee programme for administrative purposes.

6. Recommendation

6.1 It is recommended that the schedule for the 2019/20 Municipal Year be approved.

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval
Delays in implementation could have serious financial implications for the Council
Delays in implementation could compromise the Council's position
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
Item is Urgent Key Decision
Report is to note only

The proposals contained in this report will help to achieve all the Council Strategy aims and priorities by ensuring that a robust decision making framework is in place.

Officer details:

Name: Moira Fraser
Job Title: Democratic and Electoral Services Manager
Tel No: 01635 519045
E-mail Address: mfraser@westberks.gov.uk

7. Appendices

- 7.1 Appendix A – Equalities Impact Assessment
- 7.2 Appendix B – Timetable of meetings May 2019 – May 2020

Appendix A

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Stage Two, Equality Impact Assessment is required.

Name of policy, strategy or function:	Timetable of public meetings
Version and release date of item (if applicable):	Proposed timetable due for publication on 29 November 2017
Owner of item being assessed:	Moira Fraser
Name of assessor:	Linda Pye
Date of assessment:	10 October 2017

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	Yes	Is changing	Yes
Service	No		

1 What are the main aims, objectives and intended outcomes of the policy, strategy, function or service and who is likely to benefit from it?	
Aims:	To agree a timetable of public meetings for publication.
Objectives:	
Outcomes:	
Benefits:	Agreeing and publishing the timetable in advance of the Municipal Year gives advanced notice of forthcoming public meetings.

2 Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Comments relating to the item:

It is not envisaged that agreeing the dates of meetings in advance of the Municipal Year in which they will take place will adversely affect the majority of individuals who would wish to attend the meetings. Care is taken to ensure that meetings are held in venues with disabled access. It is noted that most of the Council's public meetings do take place in the evenings which might impact on the ability of some residents to attend the meetings. Advertising meeting dates in advance should assist with mitigating this issue as those wishing to attend the meetings would have advance warning as to when they should take place.

3 Result

Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?

No

Please provide an explanation for your answer: Please see comments above.

Will the policy, strategy, function or service have an adverse impact upon the lives of people, including employees and service users?

No

Please provide an explanation for your answer:

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the Equality Impact Assessment guidance and Stage Two template.

4 Identify next steps as appropriate:

Stage Two required

No.

Owner of Stage Two assessment:

Timescale for Stage Two assessment:

Stage Two not required:

Name: Linda Pye

Date: 10 October 2017

Please now forward this completed form to Rachel Craggs, the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.

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West Berkshire Council – Timetable of Meetings- May 2019 to May 2020

	MAY 2019	JUN 2019	JUL 2019	AUG 2019	SEP 2019	OCT 2019	NOV 2019	DEC 2019	JAN 2020	FEB 2020	MAR 2020	APR 2020	MAY 2020													
Mon			1																							
Tues			2	C		1	OSMC																			
Weds	1		3	W		2	D		1			1	E													
Thur	2	Election	4		1	3			2			2														
Fri	3		5		2	4	1		3			3	1													
Sat	4	1	6		3	5	2		4	1		4	2													
Sun	5	2	7		4	1	3		5	2	1	5	3													
Mon	6	3	8		5	2	G&E	7	4	2	6	3	G&E	2	6	4										
Tues	7	4	9	OSMC	6	3		8	5	DPC	3	7	4	3	C	7	5									
Weds	8	5	E	10	D	7	E	4	W	9	E	6	W	4	D	8	W	6								
Thur	9	6		11		8		5	X	10		7	5	C	9	6	5	7	Election							
Fri	10	7		12		9		6		11		8	6		10	7	6	10	8							
Sat	11	8		13		10		7		12		9	7		11	8	7	11	9							
Sun	12	9		14		11		8		13		10	8		12	9	8	12	10							
Mon	13	10		15		12		9		14		11	9		13	10	9	13	11							
Tues	14	11	JPPC	16		13		10		15		12	10	JPPC	14	OSMC	11	10	14	12	C					
Weds	15	12	W	17	E	14	W	11		16	W	13	D	11	E	15	W	12	11	E	15	D	13	E		
Thur	16	13	X	18		15		12	C	17	X	14		12	X	13	X	12	DPC	16		14				
Fri	17	14		19		16		13		18		15	13		17	14	13		17	15						
Sat	18	15		20		17		14		19		16	14		18	15	14		18	16						
Sun	19	16		21		18		15		20		17	15		19	16	15		19	17						
Mon	20	17	G&E	22		19		16		21		18	LIC	16		20	17	16	20	G&E	18					
Tues	21	C	18		23		20	17	JPPC	22		19		17	CPP	21	18	17	JPPC	21	OSMC	19				
Weds	22	E/W	19		24	W	21	D	18	E	23	20	E	18	W	22	D	19	E	18	W	22	E	20	W	
Thur	23	X	20		25	X	22		19		24	21	X	19	X	23		20		19		23		21	HWBB	
Fri	24		21		26		23		20		25	22		20		24		21		20		24		22		
Sat	25		22		27		24		21		26	23		21		25		22		21		25		23		
Sun	26		23		28		25		22		27	24		22		26		23		22		26		24		
Mon	27		24	LIC	29	G&E	26		23		28		25	G&E	23		24		23		27		25			
Tues	28		25	CPP	30		27		24	CPP	29		26		24		25		24	CPP	28		26			
Weds	29	D	26	E	31		28	E	25	W	30	E	27	W	25		26	W	25		29	W	27	D		
Thur	30	HWBB	27				29		26	HWBB	31		28		26		30	HWBB	27		26	X	30	X	28	
Fri	31		28				30		27				29		27		31		28		27				29	
Sat			29				31		28				30		28				28						30	
Sun			30						29						29				29						31	
Mon									30										30							
Tues																			31							

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C Council – 7.00pm except Budget meeting which starts at 6.30pm	JPPC Joint Public Protection Committee*	W Western Area Planning Cttee – 6.30pm
X Executive – 5.00pm	LIC Licensing Committee – 6.30pm	E Eastern Area Planning Cttee – 6.30pm
G&E Governance and Ethics Committee – 5.00pm		D District Planning Committee (provisional dates) – 6.30pm
OSMC Overview & Scrutiny Management Commission – 6.30pm		DPC District/Parish Conference – 6.30pm
CPP Corporate Parenting Panel – 6.30pm		HWBB Health and Wellbeing Board – 9.30am
		1 Bank Holiday
		☐ School Holiday

Public Meetings: All meetings are open to the public excluding Member Development Sessions

Venues: All meetings are held at Council Offices, Market Street, Newbury with the exception of: Eastern Area Planning Committee which is usually held at the Calcot Centre, Highview.

Questions to Council and Executive: Questions must be submitted by 10.00am seven clear working days before the meeting.

District Planning: All stated dates are provisional subject to requirement.

* JPPC meetings are held at Wokingham BC and start at 7pm

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Sustainable Drainage Systems Supplementary Planning Document

Committee considering report:	Council on 6 December 2018
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	15 October 2018
Report Author:	Laila Bassett and Stuart Clark
Forward Plan Ref:	C3660

1. Purpose of the Report

1.1 To:

- (1) Consider the representations (as attached in Appendix C) received in response to the consultation on the Sustainable Drainage Systems Supplementary Planning Document (SuDS SPD) undertaken between 11 June and 23 July 2018.
- (2) Consider whether any revisions need to be made to the SuDS SPD in light of these representations.
- (3) Consider the adoption of the SuDS SPD as attached in Appendix D.

2. Recommendations

2.1 That the SuDS SPD is adopted in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

- (1) No new information or evidence has arisen through the consultation to warrant major changes being made to the SuDS SPD.
- (2) The Council responses to the representations received as set out in Appendix C are agreed.
- (3) The SuDS SPD (as attached at Appendix D) is adopted in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- (4) Delegated authority is given to the Head of Development and Planning to agree any minor typographical and formatting refinements to the SuDS SPD before publication.

3. Implications

3.1 **Financial:** n/a

3.2 **Policy:** Adopted Core Strategy policy CS16 (Flooding) requires

that on all development sites, surface water will be managed through the implementation of SuDS in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity and amenity.

3.3 **Personnel:** n/a

3.4 **Legal:** n/a

3.5 **Risk Management:** n/a

3.6 **Property:** n/a

3.7 **Other:** n/a

4. **Other options considered**

4.1 That a SuDS SPD is not produced, with reliance instead on national guidance and standards.

Executive Summary

5. Introduction / Background

- 5.1. Supplementary Planning Documents (SPDs) are material considerations in the planning process. They provide further information and additional detail to policies within the Local Plan. Adopted Core Strategy policy CS16 (Flooding) sets out the requirement for the use of Sustainable Drainage Systems (SuDS) in new developments.
- 5.2. SuDS mimic natural drainage to manage surface water run-off from a development. SuDS allow for the collection, storage, and treatment of surface water in order to reduce flood risk caused by development. They also help to improve water quality. In addition, SuDS can improve landscape amenity and biodiversity.

6. Proposal

- 6.1. The SuDS SPD sets out how the Council expects SuDS to contribute to sustainable development, and outlines the design principles and standards required to deliver good quality SuDS in West Berkshire. It is primarily aimed at developers, consultants and planning officers, and has been developed in consultation with stakeholders.
- 6.2. The draft SPD was subject to public consultation between 11 June and 23 July 2018, and 21 comments were received from 18 organisations/individuals. All of the comments were supportive of the SPD, and several suggestions were made to enhance the clarity of the document.
- 6.3. On consideration of the representations received, Officers consider that several minor changes should be made to enhance the clarity of the SuDS SPD.

7. Conclusion

- 7.1. It is recommended that Council resolves that:
 - (a) No new information or evidence has arisen through the consultation to warrant major changes being made to the SuDS SPD.
 - (b) The Council's responses to the representations received as set out in Appendix C are agreed.
 - (c) The SuDS SPD (as attached in Appendix D) is adopted in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.
 - (d) Delegated authority is given to the Head of Development and Planning to agree any minor typographical and formatting refinements to the SuDS SPD before publication.
- 7.2. Once adopted, the SuDS SPD will be used in conjunction with the Development Plan, holding significant weight as a material consideration in the determination of planning applications and / or appeals.

8. Appendices

- 8.1 Appendix A – Supporting Information
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Statement of Consultation
- 8.4 Appendix D – Sustainable Drainage Systems Supplementary Planning Document

Sustainable Drainage Systems Supplementary Planning Document – Supporting Information

1. Introduction

What are Supplementary Planning Documents?

- 1.1. Supplementary Planning Documents (SPDs) are material considerations in the planning process. They provide further information and additional detail to policies within the Local Plan. The adopted Core Strategy, which forms part of the Local Plan, includes a policy (CS16: Flooding) which sets out the requirement for the use of Sustainable Drainage Systems (SuDS) in new developments.

What are Sustainable Drainage Systems (SuDS)?

- 1.2. SuDS are drainage features designed to mimic the way rainwater drains in a natural landscape.
- 1.3. Traditionally, rain falling on roads, roofs and pavements has been collected in underground pipes and tanks, which emptied quickly into the nearest sewer or river. This has led to flooding as well as pollutants entering rivers before they can be broken down naturally. Piped drainage also prevents rainfall from draining naturally into groundwater reserves, which can result in low river flows in summer months.
- 1.4. In contrast, the aim of SuDS is to slow the flow of water by allowing rain which falls on roads, roofs and pavements to soak naturally into the ground as it would do in a field, or to be stored in a lake. This helps to manage flooding during storms and also naturally filters pollution (such as silt and petrol), preventing it from entering rivers.
- 1.5. The Government is encouraging developers to move away from using traditional underground drainage techniques and instead use SuDS.
- 1.6. SuDS can take many forms, from natural grassy channels, to paved surfaces which allow water to drain down or be stored. They fall into three categories:
 - SuDS which capture and carry rainfall where it falls, eg. swales (grassy channels), rills (channels with hard edges), green roofs, and raingardens (store rainfall from roof downpipes).
 - SuDS which store water, eg. dry basins, ponds, wetlands and reedbeds.
 - SuDS which allow water to soak (or infiltrate) into the ground, eg. permeable paving (spaced paving blocks with gravel beneath), filter drain (gravel filled channels).
- 1.7. Aside from managing surface water run-off, SuDS also have the benefits of improving water quality, landscape amenity, and biodiversity.

The importance of SuDS in West Berkshire

1.8. The use of SuDS in West Berkshire has importance for three reasons:

- To manage flooding: West Berkshire has been affected by severe flooding in recent years. In the case of the 2007 floods in Newbury and Thatcham, the source was rainfall which overwhelmed drainage systems. SuDS act as sponges, storing rainfall and releasing it slowly, controlling the volume and speed of rainwater which runs off paved areas. This delays the amount of water reaching rivers, which helps to manage flooding to downstream properties.
- To help preserve the water supply: water supply in West Berkshire is classified as under 'serious' water stress, and it will come under further pressure from population growth and climate change. SuDS help to preserve water supplies by capturing rainfall and using it as a resource, to water gardens, and recharge groundwater. They also improve the quality of water, by filtering out pollutants carried in rainwater before they reach a river or drain into the ground.
- To provide green spaces and habitats in urban areas: SuDS can bring attractive green spaces to urban areas, and can create areas for sport and recreation. Ponds and grassy channels can also create habitats for local wildlife, and help restore the flows in protected chalk streams. By connecting people with nature, SuDS can help to improve health and well-being in communities.

2. Purpose of the SuDS SPD

- 2.1 The SuDS SPD seeks to ensure that SuDS are well designed and provide a range of benefits to communities. The document provides guidance to help developers, consultants and planning officers choose the right SuDS for sites in West Berkshire. It also explains the process of planning and designing SuDS and outlines standards for West Berkshire, as well as supporting and signposting Government and industry SuDS standards.
- 2.2 The Vision for the SPD is that *'all development will manage surface water runoff as close to the source as possible using Sustainable Drainage Systems'*.
- 2.3 The vision is supported by 8 principles which provide the overarching aims and technical requirements for delivering SuDS within West Berkshire:
- (a) Replicate natural drainage and manage water quantity;
 - (b) Improve water quality;
 - (c) Promote and encourage biodiversity;
 - (d) Improve the landscape;
 - (e) Involve and benefit the local community;
 - (f) Make sure that SuDS are adapted and maintained for life;

(g) Adapt good practice in building SuDS; and

(h) Promote SuDS retro-fitting (adding SuDS to older buildings).

2.4 By providing these standards, along with detailed guidance and checklists, the SPD aims to improve the quality of SuDS delivered in West Berkshire.

2.5 The SPD is structured as follows:

Section	Purpose
1. Our vision	Outlines the Council’s vision for SuDS in West Berkshire
2. Overview and context	Provides background information on SuDS and how they fit into planning policy both within West Berkshire and nationally.
3. SuDS and West Berkshire	Identifies the characteristics of West Berkshire (e.g. topography, geology, flood risk)
4. Principles and standards for integrated SuDS Design	Presents the eight principles for delivering SuDS in West Berkshire. Includes the key policy, supporting details and references to further guidance.
5. Choosing the right SuDS	Identifies SuDS design considerations, highlighting the applicability of SuDS on all sites, regardless of the constraints.
6. Design and the planning process	Outlines the process of designing SuDS for a development site, and how this aligns with the planning process.
7. Evaluation and approval	Details of how SuDS designs will be evaluated in West Berkshire, and the process for approval.

3. Consultation

3.1 Consultation is an important part of the preparation of a SPD, and the public were invited to make representations on the draft SPD between 11 July 2018 and 23 July 2018. 21 comments were received from 18 organisations/individuals, and all were broadly supportive of the SPD.

3.2 Several respondents made suggestions to enhance the clarity of the SPD, and these include:

(a) the inclusion of discharge rates on previously developed sites;

(b) the inclusion of reference to the management of exceedance flows through private non-public areas;

(c) clarification of urban creep allowances;

- (d) clarification of the durations of 'lifetime' and maintenance;
- (e) Inclusion of references to nature conservation legislation;
- (f) Identification that the Canal and River Trust can provide advice to developers early in the process if there is the potential that development may impact on an inland waterway;
- (g) Identification that the Canal and River Trust may be able to accept drainage into a canal.
- (h) Strengthening of the design parameters to reflect the worst case recorded storm characteristics in the local area of development.

3.3 In consideration of these representations, officers propose to make modifications to take the above into account. These modifications will be included in the SuDS SPD.

4. Conclusion

4.1 For the reasons set out above, it is recommended that Council resolves that:

(a) No new information or evidence has arisen through the consultation to warrant major changes being made to the SuDS SPD.

(b) The Council's responses to the representations received as set out in Appendix C are agreed.

(c) The SuDS SPD (as attached at Appendix D) with the modifications identified in paragraph 3.2 above is adopted in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended).

(d) Delegated authority is given to the Head of Development and Planning to agree any minor typographical and formatting refinements to the SuDS SPD before publication.

4.2 Once adopted, the SuDS SPD will be used in conjunction with the Development Plan, holding significant weight as a material consideration in the determination of planning applications and / or appeals.

5. Consultation and Engagement

5.1 Stuart Clark (Principal Engineer, Transport and Countryside), Jon Bowden Senior Engineer, Transport and Countryside), JBA Consulting, and Planning Advisory Group (PAG).

Background Papers:

SuDS SPD (included in Appendix D).

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

Wards affected:

All

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

HQL – Maintain a high quality of life within our communities

The proposals contained in this report will help to achieve the following Council Strategy priority:

SLE2 – Deliver or enable key infrastructure improvements in relation to roads, rail, flood prevention, regeneration and the digital economy

The proposals contained in this report will help to achieve the above Council Strategy aim and priority by reducing flood risk caused by development, and improving water quality, landscape amenity and biodiversity.

Officer details:

Name: Laila Bassett
Job Title: Senior Planning Officer
Tel No: 01635 519 540
E-mail Address: laila.bassett@westberks.gov.uk

Name: Stuart Clark
Job Title: Principal Engineer
Tel No: 01635 519 857
E-mail Address: stuart.clark@westberks.gov.uk

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<p>What is the proposed decision that you are asking the Executive to make:</p>	<p>That Council resolves that:</p> <p>(a) No new information or evidence has arisen through the consultation to warrant major changes being made to the SuDS SPD.</p> <p>(b) The Council's responses to the representations received as set out in Appendix C are agreed.</p> <p>(c) The SuDS SPD as attached at Appendix D is adopted in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended).</p> <p>(d) Delegated authority is given to the Head of Development and Planning to agree any minor typographical and formatting refinements to the SuDS SPD before publication.</p>
<p>Summary of relevant legislation:</p>	<ul style="list-style-type: none"> • Managing flood risk: Flood and Water Management Act 2010, and the Town and Country Planning (Development Management Procedure) (England) Order 2015. • Improving water quality: EU Water Framework Directive 2000. • Enhancing biodiversity and improving green infrastructure: Natural Environment and Rural Communities Act 2006. • Requirements for producing SPDs: Town and Country Planning (Local Planning) (England) Regulations 2012.
<p>Does the proposed decision conflict with any of the Council's key strategy priorities?</p>	<p>No</p>
<p>Name of assessor:</p>	<p>Laila Bassett</p>
<p>Date of assessment:</p>	<p>10 October 2018</p>

Is this a:		Is this:	
Policy	Yes	New or proposed	Yes
Strategy	No	Already exists and is being	No

		reviewed	
Function	No	Is changing	No
Service	No		

1. What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To set out how the Council expects Sustainable Drainage Systems (SuDs) to contribute to sustainable development and outlines the design principles and standards required to deliver good quality SuDS in West Berkshire.
Objectives:	To manage flooding, to help preserve water supply in the district, and to create green spaces and habitats in urban areas.
Outcomes:	Adoption of the SuDS Supplementary Planning Document (SPD).
Benefits:	SuDS mimic natural drainage to manage surface water run-off from a development. SuDS allow for the collection, storage and treatment of surface water in order to reduce flood risk caused by development. They also help to improve water quality. In addition SuDS can improve landscape amenity and biodiversity.

2. Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this

All	The provision of SuDS will have a positive impact upon all members of communities as they can reduce flooding, improve water quality, preserve the water supply, improve landscape amenity, and improve biodiversity.	Neighbourhood Planning legislation, National Planning Policy Framework (NPPF), National Planning Guidance (NPG)
Further Comments relating to the item:		

3. Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: SuDS help to reduce flood risk, and improve water quality, landscape amenity and biodiversity. These benefits apply to all members of society.	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: The provision of SuDS will have a positive impact upon local communities as they can reduce flooding, improve water quality, preserve the water supply, improve landscape amenity, and improve biodiversity.	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4. Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	n/a
Timescale for Stage Two assessment:	n/a

Name: Laila Bassett

Date: 10 October 2018

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

Statement of consultation – Sustainable Drainage Systems Supplementary Planning Document

Introduction

All Supplementary Planning Documents (SPD) are required to be prepared in accordance with the Town and Country Planning (Local Development) (England) Regulations 2012. This Statement therefore explains how the Council has met the particular requirements set out in Regulation 12 (a) of the 2012 Regulations in the production of the Sustainable Drainage Systems (SuDS) SPD.

This Statement indicates the formal and informal consultation and community involvement West Berkshire Council has conducted in the preparation of the SPD. It outlines:

- the persons consulted as part of the SPD preparation;
- a summary of the main issues raised; and
- how those issues have been addressed in the SPD.

Screening for SA/HRA

The provisions of European Directive 2001/42/EC and Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations (2004) require the Council to determine if the SuDS SPD will require a Strategic Environmental Assessment (SEA). In addition, Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (which is implemented in England and Wales through the Conservation of Habitats and Species Regulations 2017) requires that screening to see if a the SPD will have significant effects on European sites of importance for nature conservation.

A SEA/HRA Screening Report was therefore prepared to determine if there will be any significant effects on the environment and on European sites of importance for nature conservation.

In accordance with the Directives and Regulations, the three statutory bodies (Environment Agency, Historic England, and Natural England) were consulted on the screening report between 11 June 2018 and 23 July 2018. Responses were received from Natural England and Historic England, and these, alongside the Council's responses are set out in Table 1 below.

Statutory public consultation

In accordance with the relevant Planning Regulations, the Council formally consulted on the draft SPD for a six week period. This period ran from 11 June 2018 to 23 July 2018.

In order to publicise the event:

- A press release was issued, and an article appeared within the Newbury Weekly News dated 12 July 2018.
- All documentation was placed on the Council's dedicated webpage (www.westberks.gov.uk/sudsspd).
- Information was provided on the Council's dedicated consultations webpage (www.westberks.gov.uk/consultations).
- Correspondence was sent to all on the Council's Consultation Portal database (approximately 1345 individuals/organisations), including adjoining authorities and statutory consultees), all Parishes and neighbouring parishes; all Members, and a selection of relevant internal officers.
- All relevant documentation was placed within all libraries across the District and in the Council's Market Street offices.

Overall 21 comments were received from 18 organisations/individuals. A further response was received, however due to the nature of the comments it has been made inadmissible. The consultation representations together with the Council's proposed responses to each representation are set out in Table 2 below.

Table 1: Representations received from the statutory bodies on the SEA/HRA Screening Report

Statutory consultee	Representation	Action / Comments
Historic England	As regards the Strategic Environmental Assessment, we agree with the draft Screening Opinion that the SuDS SPD is not likely to lead to significant environmental effects and that therefore it does not need to be subject to Strategic Environmental Assessment.	Comments noted
Natural England	<p>I have looked at the screening statement for the SuDS SPD, which screens out the need for the policy to undergo assessment under the Habitats Regulations. The People Over Wind / Sweetman ECJ ruling recently found that mitigation and avoidance measures could not be considered at the screening stage of a HRA. This means that any plan or project which may cause likely significant effect on an N2k site has to undergo appropriate assessment.</p> <p>Has the SuDS SPD been developed with the River Lambourn SAC in mind? If the SPD has been developed as a mitigation method for the impacts of allocation near the SAC then this is no longer adequate, and it must go through the next steps of the HRA.</p> <p>If the SPD has been developed independently as a local policy for other reasons then this is not a concern, but it does mean Natural England would like to work with West Berks towards a policy solution to SuDS/runoff issues posed to the Lambourn SAC. We are satisfied that it can be screened out of SEA.</p>	Adopted Core Strategy policy CS16 (Flooding) sets out the requirement for the use of SuDS. The SPD has consequently been prepared to provide further guidance on the application of SuDS for development and information on good practice and technical standards. It has <u>not</u> been prepared as a mitigation method for the impacts of the allocation within the Housing Site Allocations Development Plan Document in Lambourn (land adjoining Lynch Lane, site reference LAM005). This has been clarified to Natural England, and their subsequent confirmation that Appropriate Assessment is not required is included after Table 1 in this Statement of Consultation.
Environment Agency	No comments received	n/a

Laila Bassett

From: Shavelar, Jonathan (NE) <[REDACTED]>
Sent: 20 September 2018 11:58
To: Laila Bassett
Subject: RE: West Berkshire Council SEA & HRA Screening Report for the draft Sustainable Drainage Systems SPD

This is an **EXTERNAL EMAIL**. **STOP. THINK** before you **CLICK** links or **OPEN** attachments.

Dear Laila,

Many thanks for getting in touch and confirming that the SuDS SPD is **not** a specific mitigation measure for any N2K sites within your authority. I can confirm that an Appropriate Assessment should not be necessary as the SPD is district-wide and not related to the River Lambourn SAC.

Do you need anything more from NE in terms of a formal response?

Many thanks,
Jonathan Shavelar | Lead Adviser
Thames Team
Natural England

4th Floor
Eastleigh House
Upper Market Street
Eastleigh
Hampshire
SO50 9YN

www.naturalengland.org.uk

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing

Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

From: Laila Bassett [mailto:[REDACTED]] **On Behalf Of** PlanningPolicy
Sent: 19 September 2018 14:45
To: Shavelar, Jonathan (NE) <[REDACTED]>
Subject: West Berkshire Council SEA & HRA Screening Report for the draft Sustainable Drainage Systems SPD

Dear Jonathan,

Thank you for your comments on West Berkshire Council's SEA/HRA Screening Report for the draft Sustainable Drainage Systems Supplementary Planning Document (SuDS SPD).

Your comments highlight the recent People Over Wind / Sweetman ECJ ruling which found that mitigation and avoidance measures could not be considered at the screening stage of a HRA, and as a consequence any plan or project which may cause likely significant effects on a Nature 2000 site has to undergo appropriate assessment. You go on to advise that appropriate assessment will be necessary if the SPD contains specific mitigation measures to prevent effects (from a housing allocation) on the River Lambourn SAC.

I can clarify that the SPD has not been developed as a specific mitigation measure for the impacts of the housing allocation (which is included within the adopted Housing Site Allocations Development Plan Document) that is near to the River Lambourn SAC. Adopted Core Strategy policy CS16 (Flooding) sets out the requirement for the use of SuDS in all new developments across West Berkshire. The SPD has consequently been prepared to provide further guidance on the application of SuDS in all new developments as well as to provide additional information on good practice and technical standards. The SuDS SPD applies district-wide.

I would therefore be grateful if you could confirm that an appropriate assessment will not be required.

I look forward to hearing from you.

Kind regards,

Laila

Laila Bassett
Senior Planning Officer

Planning Policy | Development and Planning | West Berkshire Council | Market Street | Newbury | Berkshire | RG14 5LD

01635 [REDACTED] | Ext: [REDACTED] | [REDACTED]

www.westberks.gov.uk/planningpolicy

Table 2: Representation received on the draft SuDS SPD

Consultee	Representation	Action / Comments
<p>Abley Letchford Partnership on behalf of Bloor Homes</p>	<p>General</p> <p>Bloor Homes welcomes the production of a SuDS Strategy and are broadly supportive of the resulting text.</p> <p>Bloor Homes recognises that nationally, there is a move to a more integrated and standardised planning, approval and design SuDS process and is supportive of this aim. There are however, several matters that are considered to require amendment to enable the West Berkshire SuDS Strategy to function effectively and to retain compliance with existing policy and guidance. These are set out below relative to the corresponding document references.</p> <p>Principle 1</p> <p>1. Section 4.8 requires demonstration that proposed development discharge rates do not exceed their corresponding greenfield, however there is no acknowledgement of previously developed sites and their corresponding brownfield rates.</p> <p>2. National guidance on discharge rates are already outlined within CIRIA C753 The SuDS Manual and within DEFRA/EA guidance document; Rainfall runoff management for developments, Report SC030219. Such documents allows for a QBar discharge rate to be applied to all storms in excess of the 1 in 1 year return period, thereby allowing greater flexibility. This is to enable compliance with Long Term Storage and discharge volumes</p> <p>3. Section 4.25 states that flow exceedance routes shall be within public ownership. It is extremely unusual for entire developments to be under the ownership of public bodies. Indeed, more and more are remaining under control of management</p>	<p>Comments noted.</p> <p>An additional bullet point added to 5.1.2 to cover previously developed sites. They will be expected to meet greenfield rates and volumes.</p> <p>Additional text added to explain where greenfield rates/volumes are not feasible based on non-statutory technical standards.</p> <p>Section 5.1.6 reworded to not specify public or private ownership.</p>

Consultee	Representation	Action / Comments
	<p>companies and private ownership. Where this is the case, it is usual to provide easements or rights of access and maintenance under conveyance for any shared or critical infrastructure.</p> <p>4. An ability to manage exceedance flows through private non-public areas should be included.</p> <p>Principle 8</p> <p>5. Section 5.7 states that storage for runoff from the development should be located out the floodplain. This paragraph should acknowledge the ability to undertake flood compensation remodelling as agreed with the Environment Agency and/or Local Lead Flood Authority.</p> <p>Appendix 1 Checklist - Major Applications</p> <p>The Design statement under Section 3 should acknowledge the following:</p> <p>6. The ability to limit peak runoff flows to QBar as part of Principle 1 evidence.</p> <p>7. Urban Creep allowances should be in accordance with the table presented under Section 4.22. The provision of a 10% rate is a maximum.</p> <p>8. Long Term storage should make allowance for 40% climate change, not 30%</p>	<p>Text added to section 6.2.1 'Fluvial flood risk' to specify main rivers only, and the requirement for more detailed hydraulic modelling.</p> <p>Text added to clarify that where deemed acceptable, discharge of peak flows at Qbar or 2l/s/Ha may also be allowed.</p> <p>'Urban creep' added to 5.1.5 in line with Table 5.1 of the SPD, rather than 10% allowance.</p> <p>The SPD has been updated to make reference to a 40% climate change allowance.</p>

Consultee	Representation	Action / Comments
	<p>The Maintenance and Construction statement under Section 4 should acknowledge the following:</p> <p>9. Clarification should be provided on durations of 'lifetime' and maintenance. Both 100 and 125 years are quoted within the text.</p> <p>Appendix 2 Checklist - Minor Applications</p> <p>10. The Design statement under Section 3 Principle 1 should acknowledge the ability to limit peak runoff flows to QBar.</p> <p>11. Principle 6 should allow the flexibility to locate SuDS features within private or managed locations.</p>	<p>Amendment made so there is reference throughout the document to 100 years. This is in line with the CIRIA checklist.</p> <p>Text added to clarify that where deemed acceptable, discharge of peak flows at Qbar or 2l/s/Ha may also be allowed.</p> <p>The reference to 'public space' has been amended to 'communal space'.</p>
Andy Page	<p><i>Question 1. Do you agree with our Vision for Sustainable Drainage Systems (SuDS) and that water should be regarded as a valuable resource? If not please tell us why and give reasons for your answer.</i></p> <p>Yes</p> <p><i>Question 2. Do you agree that Sustainable Drainage Systems (SuDS) will help to reduce flood risk resulting from new developments and increasing urbanisation? If not please tell us why and give reasons for your answer.</i></p> <p>Yes</p> <p><i>Question 3. Do you agree that Sustainable Drainage Systems (SuDS) assist in the creation of developments that are more sustainable and able to cope with the effects of climate change? If not please tell us why and give reasons for your answer</i></p>	Comments noted

Consultee	Representation	Action / Comments
	<p>Yes</p> <p>Question 4: Do you agree that Sustainable Drainage Systems (SuDS) should provide multiple benefits such as improvements to water quality, amenity and biodiversity? If not please tell us why and give reasons for your answer.</p> <p>Yes</p> <p>Question 5: Do you agree that Sustainable Drainage Systems (SuDS) can create attractive places for people to live through integrating water and green spaces within the built environment? Please give reasons for your answer.</p> <p>Yes</p>	
Berkshire, Buckinghamshire Oxfordshire Wildlife Trust	<p>Thank you for consulting the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) on this draft SUDS SPD. As a wildlife conservation charity, our comments relate specifically to the protection and enhancement of biodiversity.</p> <p>BBOWT welcomes this SPD and we are broadly supportive of the contents. We have some comments in relation to the following areas.</p> <p>Paragraph 2.12 (within 2.c.ii. - What are the benefits of using SUDS?) – it is considered that the primary benefits of SUDS are not limited to “<i>managing water quantity and quality</i>”, but also includes “<i>protecting and improving the environment and biodiversity</i>”, because SUDS are intended to mimic natural drainage systems. We therefore recommend the addition of the underlined text in this paragraph.</p> <p>Paragraph 2.20 (table within 2.d. – How SuDS support other legislation and policies?) – There appears to be no reference in the table to statutory site designations for nature conservation (European sites and SSSIs) and duties to protect and conserve such sites, respectively under the Conservation of Habitats and Species Regulations (2017) and the Wildlife and Countryside Act (as amended) (1981). This is relevant where, for example, development is proposed upstream of a designated site, where alterations to the quality and quantity of surface water runoff</p>	<p>Comments noted.</p> <p>The recommended text has been added to 2.2.2 of the SPD.</p> <p>Both legislation references are now included in the table in section 2.3 ‘How can SuDS support other legislation and policies’ as well as the reference list.</p>

Consultee	Representation	Action / Comments
	<p>is likely to impact the hydrology of the site (see case in point, Decoy Pit, Pools & Woods SSSI). We therefore recommend appropriate reference in this section to the requirements of these two pieces of nature conservation legislation.</p> <p>Paragraph 2.23 (2.e. - National design guidance) – there is currently no mention within the references listed here of the CISL (Cambridge Institute for Sustainability Leadership) “Planning Advice for Integrated Water Management”. We recommend a reference to this helpful and detailed advice note is included within the SUDS SPD, either in this paragraph or in section 8, as deemed appropriate. The advice can be downloaded from - https://www.cisl.cam.ac.uk/publications/publication-pdfs/natural-capital-leaders-platform-waterplanning-ad.pdf.</p> <p>Paragraph 3.10 (within 3.a.vi – Landscape) – the landscape of West Berkshire is also principally characterised by wet and dry grasslands and pastures. We recommend these habitats be included in the list in this paragraph.</p> <p>Paragraph 3.19 (table within 3.b – SUDS in West Berkshire) – under “<i>Priority habitats</i>”, where the text currently reads “<i>Improve biodiversity UK BAP, SAC, SSSI designated chalk river priority habitats and other designated sites.</i>”, it is considered that Local Wildlife Sites should be expressly included as follows “<i>and other locally designated sites, (e.g. Local Wildlife Sites)</i>”. We recommend the addition of the underlined text in this paragraph.</p> <p>Paragraph 4.2 (within 4.a. - Principles and standards for integrated SuDS design) – point (g) should include the requirement for monitoring, where appropriate, to enable adaptive maintenance / management regimes or remedial work in response to changing conditions or performance of the SUDS. Point (g) could therefore read “(g) <i>Ensure that SuDS are monitored and maintained for the lifetime of the development</i>”. We recommend the addition of the underlined text in this paragraph.</p>	<p>The CISL document has been added to Section 2.4 of the SPD.</p> <p>These habitats have been added to the first sentence of section 3.1.6 Landscape.</p> <p>These habitats have been added to the ‘Priority Habitats’ section of the table in section 3.1.9.</p> <p>A reference to adaptive maintenance has been added to section 5. Mention of monitoring in the ‘SuDS Maintenance Plan’ has also been added in 5.6.5.</p>

Consultee	Representation	Action / Comments
	<p>Paragraph 4.39 (within 4.d. Principle 3 - Promote and encourage biodiversity) – It is considered that it would be appropriate to use the term nature based solutions instead within the first bullet point, as follows; “<i>• SuDS designs shall demonstrate biodiversity benefits and contribute to the local green infrastructure by using drainage systems with visible vegetated components nature based solutions wherever possible</i>”. We recommend the addition of the underlined text in this paragraph.</p> <p>Paragraph 4.69 (within 4.g Principle 6 - Ensure that SuDS are adopted and maintained for the lifetime of the development) – as noted in relation to paragraph 4.2, it is considered that this section should expressly state the requirement for monitoring and reporting, for the reasons stated above.</p> <p>This would be most appropriate in the third bullet point as follows “<i>• Plans for adoption and a Maintenance Plan detailing the operation, monitoring, reporting, and maintenance of the drainage systems for the life of the development shall be provided with all SuDS designs.</i>” We recommend the addition of the underlined text in this paragraph.</p> <p>Paragraph 7.10 (within 7.c.ii Consultation) - it would be appropriate to include the CaBA partner for the Kennet and Pang catchments (Action for the River Kennet) in the list of relevant non-statutory consultees.</p> <p>Appendices 1 & 2 (3 Design Statement) – Under “Principle 3: Promote and encourage biodiversity – Habitat provision”, it is considered that point (ii) should state “<i>The drainage system will support, protect and enhance natural local habitats and species.</i>” We recommend the addition of the underlined text in Appendices 1 and 2.</p> <p>Appendices 1 & 2 (4 Maintenance and construction) – Under “Principle 7: Ensure that SUDS are maintained for the lifetime of the development – Operation and maintenance”, it is considered that point (i) should read “<i>Maintenance and</i></p>	<p>The wording (currently ‘visible vegetated components’) has been changed to ‘nature-based solutions’ in 5.3.2.</p> <p>Mention of monitoring in the ‘SuDS Maintenance Plan’ has been added to 5.6.5.</p> <p>The suggested wording has been added into the policy at 5.6.2.</p> <p>‘River Kennet and Pang Catchment Partnership Groups’ has been added to the list of non-statutory consultees in 7.2.2.</p> <p>The Minor and Major Checklists included at the end of the SPD have been amended to include this.</p> <p>The Minor and Major checklists have not been amended, however whole</p>

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	<p><i>Monitoring Plan covers the proposed drainage system over its lifetime (125 years)", and in a similar vein, point (iii) should read "Whole life maintenance and monitoring costs provided for the proposed drainage system (125 years)". In addition, in Appendix 2, the lifetime for point (i) is given as 100 years – should this rather be 125 years? We recommend the addition of the underlined text in Appendices 1 and 2.</i></p> <p>General Points</p> <ul style="list-style-type: none"> • Timing of delivery of SUDS – SUDS should be functional during construction, not left until development is operational or occupied. We have been unable to locate any express reference to this requirement in the draft document and recommend it be included. • CIRIA Benefits of SUDS Tool (BeST) https://www.ciria.org/Resources/Free_publications/New-tool-assesses-the-benefits-ofSuDS.aspx - there appears to be no reference in the document; we recommend a reference is included to this tool. 	<p>life maintenance and monitoring costs will be added to point (ii). There will be amendment to 100 years where inconsistency.</p> <p>An additional paragraph has been added to Section 5.7.3 in line with CIRIA Construction Guide. Completing SuDS before development is operational is best practice, however the phasing of some larger sites means SuDS cannot be implemented.</p> <p>Reference to the BeST tool has been included.</p>
Brimpton Parish Council	Brimpton Parish Council considered this document but have no comments to make	Comment noted
Burghfield Parish Council	<p>Question 1: Do you agree with our Vision for SuDS and that water should be regarded as a valuable resource? If not please tell us why and give reasons for your answer.</p> <p>Burghfield Parish Council agrees with the WBDC vision for SuDS and that water should be regarded as a valuable resource that should be managed and conserved.</p>	Comments noted.

Consultee	Representation	Action / Comments
	<p>Question 2: Do you agree that SuDS will help to reduce flood risk resulting from new developments and increasing urbanisation? If not please tell us why and give reasons for your answer.</p> <p>If implemented correctly at the design and planning application stage, SuDS has the potential to reduce the flood risk from new development.</p> <p>Question 3: Do you agree that SuDS assist in the creation of developments that are more sustainable and able to cope with the effects of climate change? If not please tell us why and give reasons for your answer.</p> <p>There is a potential that SuDS will assist in the creation of developments that will be better able to cope with the effects of climate change.</p> <p>Question 4: Do you agree that SuDS should provide multiple benefits such as improvements to water quality, amenity and biodiversity? If not please tell us why and give reasons for your answer.</p> <p>BPC agree that SuDS should provide multiple benefits, but only if implemented in partnership with the developer who clearly understands the principles within this SPD and are able to provide a high quality SuDS design, as suggested.</p> <p>Question 5: Do you agree that SuDS can create attractive places for people to live through integrating water and green spaces within the built environment? Please give reasons for your answer.</p> <p>BPC agree that SuDS should provide multiple benefits, one of which is an attractive environment to live, but again, only if implemented in partnership with the developer who clearly understands the principles within this SPD and are able to provide a high quality SuDS design, as suggested.</p> <p>Question 6: Do you have any other comments on the SuDS SPD?</p>	

Consultee	Representation	Action / Comments
	<p>At a high level, this SPD is a very good addition to the overall suite of DPDs for West Berkshire. However, the format of the document makes to many external references to web sites that require registration to be included in the DPD suite. Either extract the details from these documents and include them in the main body of the DPD or provide them alongside the document, for review.</p> <p>Clean up the overall format of the document.</p>	<p>The CIRIA website requires registration, although it is free.</p> <p>The final version of the document is in a more-user friendly format and includes graphics.</p>
Canal and River Trust	<p>Thank you for consulting the Canal & River Trust on the above document. It is noted that the only reference to the Trust in the document is in the section referring to Statutory Consultees where it states;</p> <p>'Canal and River Trust - Consult if the development is likely to impact on an inland waterway'. This is rather vague and put the onus on the developer to determine whether Trust assets and impacted upon. We would prefer that if in any doubt the developer contacts the Trust early in the process for direct advice.</p> <p>In addition, the Trust may in some circumstances be able to accept drainage into the canal. This can be mentioned in this document. We suggest that the following wording could be introduced;</p> <p><i>Drainage of uncontaminated surface water will be considered to the canal network at suitable locations. The Canal and River Trust undertakes a staged process to review the impact of all new or modified discharges to its network, in addition to any considerations that are made by the Environment Agency and/or the Local Planning Authority via the normal planning process.</i></p> <p><i>The Trust supports the principles of Sustainable Drainage Systems (SUDS) which should be followed. In the majority of situations, there is no obligation on the Trust to</i></p>	<p>Comments noted.</p> <p>The Canal and River Trust consultee bullet point in 7.2.2 has been amended to recommend consultation, firstly with the Canal and River Trust to determine whether there is an impact on waterways.</p> <p>Text added to section 6.4 'Receiving Waters' and</p>

Consultee	Representation	Action / Comments
	<p><i>accept discharges, and prescriptive rights concerning drainage are usually not enforceable by the landowners. The Trust has prepared a document which helps to explain our process which can be found here. https://canalrivertrust.org.uk/media/original/22749-surface-waterdrainage-leaflet-august-2015.pdf?v=b9d701</i></p> <p><i>Guidance is given in the CIRIA publication C523 'Sustainable Urban Drainage Systems – Best Practice Manual' – This refers to the CIRIA Sustainable Urban Drainage Design Manuals C522 for England and Wales. The Flood & Water Management Act 2010 introduces changes to the legislation relating to SUDS, and subsequent editions of this document will reflect those changes, once enacted/commenced.</i></p> <p>I look forward to being consulted on the final document, which hopefully can incorporate the suggestions made above.</p>	<p>5.1.3 'Discharge destination'.</p> <p>The CIRIA publication is already referenced. Reference to Schedule 3 of the Flood and Water Management Act 2010 has been included in the policy table in sections 2.3 and 5.6.1 'Adoption and maintenance'.</p>
<p>Councillor Alan Macro, Opposition Spokesperson, West Berkshire Council Liberal Democrat Group</p>	<p>Question 1: Do you agree with our Vision for SuDS and that water should be regarded as a valuable resource? If not please tell us why and give reasons for your answer.</p> <p>Yes</p> <p>Question 2: Do you agree that SuDS will help to reduce flood risk resulting from new developments and increasing urbanisation? If not please tell us why and give reasons for your answer.</p> <p>Yes, provided they are adequately maintained</p> <p>Question 3: Do you agree that SuDS assist in the creation of developments that are more sustainable and able to cope with the effects of climate change? If not please tell us why and give reasons for your answer.</p> <p>Yes, provided that are properly maintained</p>	<p>Comments noted.</p>

Consultee	Representation	Action / Comments
	<p>Question 4: Do you agree that SuDS should provide multiple benefits such as improvements to water quality, amenity and biodiversity? If not please tell us why and give reasons for your answer.</p> <p>Yes, provided that they are properly maintained</p> <p>Question 5: Do you agree that SuDS can create attractive places for people to live through integrating water and green spaces within the built environment? Please give reasons for your answer.</p> <p>Yes, provided that measures are put in place to maintain those spaces</p> <p>Question 6: Do you have any other comments on the SuDS SPD?</p> <p><i>I am concerned that SuDS measures are not adequately maintained in the future, particularly those on private land. Future occupiers of properties containing a SuDS measure may not be aware of its purpose and may, for example, fill in swales or destroy rain gardens.</i></p> <p><i>To address this concern:</i></p> <ol style="list-style-type: none"> <i>1) Requirements to fund the maintenance of SuDS measures on public land for at least 50 years should be put in place when planning permission is granted by requiring a legal agreement to be signed by the applicant.</i> <i>2) Where SuDS are on communal land then there should be a requirement for a maintenance company to maintain the SuDS in perpetuity.</i> <i>3) Where SuDS are within the curtilage of private homes or business premises then there should be a requirement, enforced either by a planning condition or legal agreement, for the SuDS to be maintained in perpetuity. There should also be a requirement for future purchasers of such property to be informed of this responsibility, again enforced by either a planning condition</i> 	<p>Whole-life maintenance of SuDS is already enforced. Without being designated a SuDS Approval Body under schedule 3 of the Flood and Water Management Act 2010, there is no legislative backing for the Council to issue maintenance requirements for future property owners. As such no changes have been made.</p>

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	<p><i>or legal agreement. If possible, this requirement should also be recorded on the land registry entry for the property.</i></p> <p>4) <i>The Council should be given the right to inspect SuDS on communal or private land to check whether it is being adequately maintained.</i></p>	
Forestry Commission	<p>Local Plans and ancient woodland – Forestry Commission approach</p> <p>The Forestry Commission is not in a position to input into the consultation process for Local Plans. However, the information below is provided to assist you in assessing the appropriateness of sites for future development, and to highlight opportunities for achieving your renewable energy obligations.</p> <p>A summary of Government policy on ancient woodland</p> <p>Natural Environment and Rural Communities Act 2006 (published October 2006). Section 40 – “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.</p> <p>National Planning Policy Framework (published March 2012). Paragraph 118 – “planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”.</p> <p>National Planning Practice Guidance – Natural Environment Guidance. (Published March 2014) This Guidance supports the implementation and interpretation of the National Planning Policy Framework. This section outlines the Forestry Commission’s role as a non-statutory consultee on “<i>development proposals that contain or are likely to affect Ancient Semi-Natural woodlands or Plantations on Ancient Woodlands Sites (PAWS) (as defined and recorded in Natural England’s Ancient Woodland inventory), including proposals where any part of the development site is within 500 metres of an ancient semi-natural woodland or ancient replanted woodland, and</i></p>	<p>Comments noted. Government policy on ancient woodland is not relevant to SuDs. However in relation to the points on flood risk, a new paragraph to Section 3.1.8 ‘Flood Risk’ has been added to introduce flood defences and wider Natural Flood Management techniques, with the Pang Valley as an example.</p>

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	<p><i>where the development would involve erecting new buildings, or extending the footprint of existing buildings”</i></p> <p>It notes that ancient woodland is an irreplaceable habitat, and that, in planning decisions, Plantations on Ancient Woodland Sites (PAWS) should be treated equally in terms of the protection afforded to ancient woodland in the National Planning Policy Framework.</p> <p>It highlights the Ancient Woodland Inventory as a way to find out if a woodland is ancient.</p> <p>Standing Advice for Ancient Woodland and Veteran Trees. (Published April 2014) The Forestry Commission has prepared joint standing advice with Natural England on ancient woodland and veteran trees which we refer you to in the first instance. This advice is a material consideration for planning decisions across England. It explains the definition of ancient woodland, its importance, ways to identify it and the policies that relevant to it. It also provides advice on how to protect ancient woodland when dealing with planning applications that may affect ancient woodland. It also considers ancient wood-pasture and veteran trees.</p> <p>The Standing Advice website will provide you with links to Natural England’s Ancient Woodland Inventory, assessment guides and other tools to assist you in assessing potential impacts. The assessment guides sets out a series of questions to help planners assess the impact of the proposed development on the ancient woodland. Case Decisions demonstrates how certain previous planning decisions have taken planning policy into account when considering the impact of proposed developments on ancient woodland. These documents can be found on our website.</p> <p>The UK Forestry Standard (3rd edition published November 2011). Page 24 “Areas of woodland are material considerations in the planning process and may be protected in local authority Area Plans. These plans pay particular attention to woods listed on the Ancient Woodland Inventory and areas identified as Sites of Local Nature Conservation Importance SLNCIs).</p>	

Consultee	Representation	Action / Comments
	<p>Keepers of Time – A Statement of Policy for England’s Ancient and Native Woodland (published June 2005). Page 10 “The existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland”.</p> <p>Natural Environment White Paper “The Natural Choice” (published June 2011) Paragraph 2.53 - This has a “renewed commitment to conserving and restoring ancient woodlands”. Paragraph 2.56 – “The Government is committed to providing appropriate protection to ancient woodlands and to more restoration of plantations on ancient woodland sites”.</p> <p>Biodiversity 2020: a strategy for England’s wildlife and ecosystem services (published August 2011). Paragraph 2.16 - Further commitments to protect ancient woodland and to continue restoration of Plantations on Ancient Woodland Sites (PAWS).</p> <p>Renewable & low carbon energy:</p> <p>The resilience of existing and new woodland is a key theme of the Forestry Commission’s work to Protect, Improve and Expand woodland in England we will continue to work with Forestry / Woodland owners, agents, contractors and other Stakeholders to highlight and identify, pests and diseases and to work in partnership to enable Woodlands and Forests are resilient to the impacts of Climate Change.</p> <p>Woodfuel and timber supplies continues to be an opportunity for local market growth whilst also enabling woodlands to be brought back into active management.</p> <p>Flood risk:</p> <p>The planting of new riparian and floodplain woodland, can help to reduce diffuse pollution, protect river morphology, moderate stream temperature and aid flood risk management, as well as meet Biodiversity Action Plan targets for the restoration</p>	

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	<p>and expansion of wet woodland.</p> <p>The Forestry Commission is keen to work in partnership with Woodland / Forest Stakeholders to develop opportunities for woodland creation to deliver these objectives highlighted above.</p> <p>In the wider planning context the Forestry Commission encourages local authorities to consider the role of trees in delivering planning objectives as part of a wider integrated landscape approach. For instance through:</p> <ul style="list-style-type: none"> • the inclusion of green infrastructure (including trees and woodland) in and around new development; and • the use of locally sourced wood in construction and as a sustainable, carbon lean fuel. 	
Highways England	<p>Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.</p> <p>We will therefore be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN, in this case the A34 and M4 motorway.</p> <p>We have reviewed this document and have no comments.</p>	Comments noted
Historic England	<p>We note that the example indicators set out in Table 5.2 of the CIRIA report C753 The SuDS Manual-v6 (Amenity design criteria and Example indicators) include <i>“supports local heritage”</i>.</p> <p>We welcome this recognition in paragraphs 4.46 and 4.48 of the draft SPD. However, we consider that accordingly Principle 4 should be renamed <i>“Enhance the landscape and historic environment”</i> and the Policy be reworded as <i>“SuDS shall be</i></p>	<p>Comments noted.</p> <p>Reference to the historic environment has been added to Principle 4.</p>

Consultee	Representation	Action / Comments
	<p><i>designed to enhance the local landscape and historic environment, by integrating water and heritage features into the site landscape design”.</i></p> <p>We would welcome paragraph 4.46 being reworded: “.....or integrating a historic monument or other archaeological remains.....or enhancing the setting of a heritage asset”.</p> <p>We consider that paragraph 4.50 should be reworded as “A <i>landscape architect (and, where heritage assets on or near the site would or may be affected, a heritage specialist) should be consulted early in the planning process.....and amenity (and, where possible, heritage) benefits</i>”. The potential team members in Paragraph 6.2 should also include a heritage specialist in our opinion (as paragraph 6.9 does).</p> <p>An alternative to the above would be have a separate Principle “<i>Enhance the historic environment</i>”, with the considerations identified above. Certainly, the landscape and historic environment are both important considerations in their own right, worthy of separate consideration, although we accept that SuDS offer more frequent opportunities for enhancing the landscape than the historic environment.</p>	<p>The heritage aspect links well within the same SuDS principle as landscape. Rather than create a new principle, the suggested text has been added to section 5.4.3.</p> <p>‘Heritage specialist’ has been added to the list of potential team members in paragraph 6.2.</p>
Kay Lacey	<p>Question 1: Do you agree with our Vision for Sustainable Drainage Systems (SuDS) and that water should be regarded as a valuable resource? If not please tell us why and give reasons for your answer.</p> <p>Yes</p> <p>Question 2: Do you agree that Sustainable Drainage Systems (SuDS) will help to reduce flood risk resulting from new developments and increasing urbanisation? If not please tell us why and give reasons for your answer.</p> <p>Yes</p>	Comments noted.

Consultee	Representation	Action / Comments
	<p>Question 3: Do you agree that Sustainable Drainage Systems (SuDS) assist in the creation of developments that are more sustainable and able to cope with the effects of climate change? If not please tell us why and give reasons for your answer</p> <p>Yes</p> <p>Question 4: Do you agree that Sustainable Drainage Systems (SuDS) should provide multiple benefits such as improvements to water quality, amenity and biodiversity? If not please tell us why and give reasons for your answer.</p> <p>Yes - where feasible but the flood risk reduction benefit far outweighs the others in my view</p> <p>Question 5: Do you agree that Sustainable Drainage Systems (SuDS) can create attractive places for people to live through integrating water and green spaces within the built environment? Please give reasons for your answer.</p> <p>Yes - hopefully</p>	
Natural England	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.</p> <p>While we welcome this opportunity to give our views, the topic this Supplementary Planning Document covers is unlikely to have major effects on the natural environment, but may nonetheless have some effects. We</p>	Comments noted. See Table 1 above for comments made in respect of the SEA/HRA screening report.

Consultee	Representation	Action / Comments
	<p>therefore do not wish to provide specific comments</p> <p>Strategic Environmental Assessment/Habitats Regulations Assessment</p> <p>A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p> <p>Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.</p>	
South Oxfordshire District Council	<p>Thank you for consulting South Oxfordshire on your draft SuDs SPD.</p> <p>South Oxfordshire have no comments to make.</p>	Comments noted.
Stratfield Mortimer Parish Council	<p><i>Question 1: Do you agree with our Vision for Sustainable Drainage Systems (SuDS) and that water should be regarded as a valuable resource? If not please tell us why and give reasons for your answer.</i></p> <p>Yes</p> <p><i>Question 2: Do you agree that Sustainable Drainage Systems (SuDS) will help to reduce flood risk resulting from new developments and increasing urbanisation? If not please tell us why and give reasons for your answer.</i></p> <p>Yes</p> <p><i>Question 3: Do you agree that Sustainable Drainage Systems (SuDS) assist in the creation of developments that are more sustainable and able to cope with the effects of climate change? If not please tell us why and give reasons for your answer</i></p>	Comments noted.

Consultee	Representation	Action / Comments
	<p>Yes</p> <p>Question 4: Do you agree that Sustainable Drainage Systems (SuDS) should provide multiple benefits such as improvements to water quality, amenity and biodiversity? If not please tell us why and give reasons for your answer.</p> <p>Yes</p> <p>Question 5: Do you agree that Sustainable Drainage Systems (SuDS) can create attractive places for people to live through integrating water and green spaces within the built environment? Please give reasons for your answer.</p> <p>1. Overall Scope of SPD. Very much welcome the SPD and its comprehensiveness particularly extending the scope beyond strictly flood management to include aspect such as biodiversity, integration in to the landscape, as a public amenity, health and safety, and community involvement.</p> <p>2. Consultation during SuDS Design. Welcome the recognition of the importance of local and early consultation. Recommend that these references could be beneficially strengthened to ensure local knowledge and support for schemes is forthcoming e.g.</p> <p>(a) In paragraph 2.29 the proposal is that '<i>SuDS should also contribute towards the aims of Neighbourhood Plans</i>', we suggest this be reworded as follows '<i>SuDS shall also contribute towards the aims of Neighbourhood Plans and will include in the design any local specific needs included in an NDP</i>'.</p>	<p>The recommended wording has been added to section 2.3.</p> <p>It is paragraph 2.19 of the consultation version of the SPD (and 2.3 of the final version) that refers to SuDS contributing towards neighbourhood plans. In the determination of planning applications and appeals, the decision taker must have regard to the development plan (which includes adopted</p>

Consultee	Representation	Action / Comments
	<p>(b) The importance of local knowledge is a vital source of information about local flooding problem areas and risks.</p> <p>(i) The policies in Principle 5 - <i>Engage and benefit the local community</i> –are focused on benefit and safety which are fully supported. Recommend that a 4th policy is included to ‘Require the developer explicitly to include within SuDS design local knowledge of flooding problems/risks that might be exacerbated/could be ameliorated. This could be achieved by rather than recommending that other non-statutory bodies be consulted (paragraph 7.10) this should require developers to consult ensuring local issues are identified and properly addressed at an early stage in the design and planning process.</p> <p>(ii) The recognition of downstream flood risks is welcomed. Recommend this be strengthened to state that local consultations be held at an early stage to inform the developer of possible risks based on local knowledge. Further state the design shall demonstrate there is no increased risk of flooding and that opportunities to reduce risk in vulnerable areas have been included in the design.</p> <p>(c) Local Area Definition Recommend ‘<i>local area</i>’ be defined as the area immediate to the development e.g. Mortimer for MOR006.</p> <p>(d) Design Parameters. Paragraph 3.17 references the 2007 storm, however the proposed SuDS design standards/calculations do not, it is believed, take into account the particularly damaging characteristics of that storm – duration of the storm (greater than 6 hours), very high volume of rainfall during the storm, the storm water fell on saturated ground and during the storm a period of very high intensity rain. In Mortimer this high intensity period was 20+ mm of rain in a 30 minute period. Recommend that the design parameters should be strengthened to reflect the</p>	<p>neighbourhood plans) as well as the SuDS SPD if it is adopted. No changes proposed.</p> <p>Developers are not obliged to do this and the Council does not have the powers to compel them do this. Public consultation is part of the planning process which already exists. No changes proposed.</p> <p>No changes proposed.</p> <p>Design standards are for consistency, but all designs must allow for exceedance. It is good practice to look at historical events, although this is more usually done in</p>

Consultee	Representation	Action / Comments
	<p>worst case recorded storm characteristics (e.g 2007) in the <i>local area</i> of the development (e.g Mortimer for MOR006) This could be framed as follows:-</p> <ul style="list-style-type: none"> (i) rain falling on saturated ground or dry compacted ground (100% runoff) (ii) a peak intensity rainfall over a 30 minute period of 20mm within the critical event duration with very high intensity over a 5 minute period (21mm and 69mm respectively in Stratfield Mortimer) (iii) the higher of either the rainfall assumptions in the standard calculations or the maximum rainfall recorded at the closest approved weather station over the last 20 years with an uplift of 40% for climate change. (iv) a storm event lasting longer than a 6 hour event (the 2007 storm lasted 8 hours with +80mm of rain in Stratfield Mortimer). 	<p>a Flood Risk Assessment. No changes proposed.</p>
Thames Water	<p>As you will be aware, Thames Water Utilities Ltd (Thames Water) are the statutory water and sewerage undertaker for West Berkshire and are hence a “specific consultation body” in accordance with the Town & Country Planning (Local Planning) Regulations 2012. We have the following comments on the consultation document:</p> <p>Specific comments</p> <p>Page 62 relates to consultation with statutory consultees and states: “<i>Sewerage undertaker (Thames Water) – Consult if SuDS will connect to the surface water sewer network.</i>” On page 62.</p> <p>Response - Unfortunately where SUDs aren’t practical and a surface water sewers doesn’t exist the developer has the right to connect to a combined or foul sewer. While we discourage this we need to be consulted where there is a proposal to discharge waters to the public sewer.</p> <p>Page 24 states: “<i>Section 104 agreement with Thames Water is required to connect into a public sewer.</i>”</p>	<p>Comments noted.</p> <p>This clarification has been included in section 7.2.2 ‘consultation’.</p>

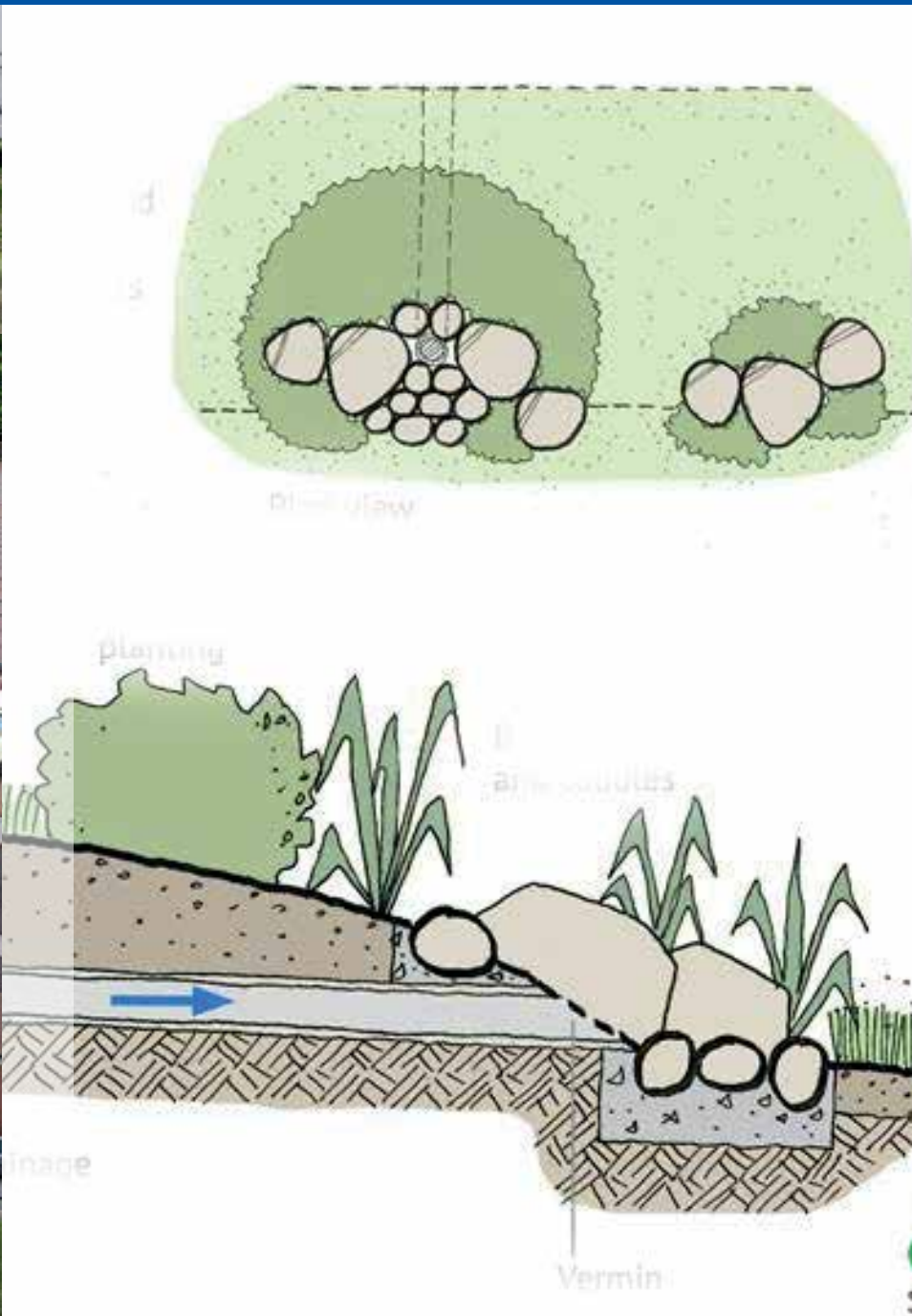
Consultee	Representation	Action / Comments
	<p>Response – A section 104 agreement is the for the adoption of surface water or foul water assets. The relevant water industry act for connecting a pipe to the public network is Section 106.</p> <p>General Comments</p> <p>With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, watercourses or surface water sewer. It is important to reduce the quantity of surface water entering the wastewater system in order to maximise the capacity for foul sewage to reduce the risk of sewer flooding.</p> <p>Thames Water recognises the environmental and economic benefits of surface water source control, and encourages its appropriate application, where it is to the overall benefit of their customers. However, it should also be recognised that SUDS are not appropriate for use in all areas, for example areas with high ground water levels or clay soils which do not allow free drainage. SUDS also require regular maintenance to ensure their effectiveness.</p> <p>Limiting the opportunity for surface water entering the foul and combined sewer networks is of critical importance to Thames Water. Thames Water have advocated an approach to SuDS that limits as far as possible the volume of and rate at which surface water enters the public sewer system. By doing this, SuDS have the potential to play an important role in helping to ensure the sewerage network has the capacity to cater for population growth and the effects of climate change. SUDS not only help to mitigate flooding, they can also help to:</p> <ul style="list-style-type: none"> • improve water quality • provide opportunities for water efficiency • provide enhanced landscape and visual features • support wildlife • and provide amenity and recreational benefits. 	<p>Section 5.1.3 'Supporting text: discharge destination' has been updated to refer to Section 106 agreement.</p> <p>General comments noted</p>

Consultee	Representation	Action / Comments
Thatcham Town Council	West Berkshire Council's draft SPD on SuDS was discussed at Thatcham Town Council's Planning & Highways Committee last night and councillors wished to express their support of the document and its contents. If new developments incorporate the SuDS measures, as outlined in the draft document, it was felt these would be of great benefit to the town in a variety of ways.	Comments noted
Transport for London	Thank you for consulting Transport for London (TfL). I can confirm that we have no comments to make on the draft SPD.	Comments noted

Sustainable Drainage Systems

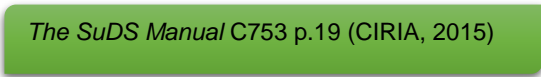
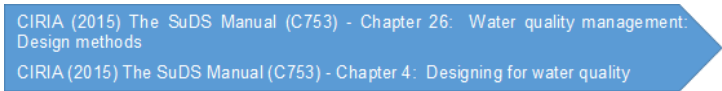
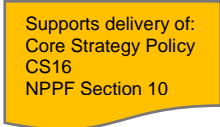
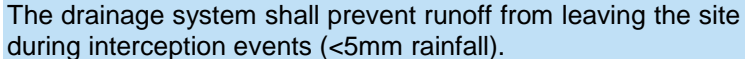
Supplementary Planning Document

December 2018



Revision History

Revision Ref / Date Issued	Amendments	Issued to
Outline structure / 25 Nov 2015	Discussed in meeting 3/12/2015	Stuart Clark
Draft v1.0 / 30 March 2016	Added content	Stuart Clark, Rachael Lancaster
Draft v2.0 /	Amendments following review by Stuart Clark, Rachael Lancaster, Antonia Bartzou and Jon Bowden	Stuart Clark, Rachael Lancaster
Draft v3.1 / 31 March 2017	Amendments following review by Stuart Clark, Rachael Lancaster, Antonia Bartzou and Jon Bowden	Stuart Clark, Antonia Bartzou and Jon Bowden
Draft v4.0 / 23 May 2017	Amendments following review by Stuart Clark and Jon Bowden	Stuart Clark
Draft v5.0 / 30 January 2018	Amendments following review by Stuart Clark, Jon Bowden and Richard Kellagher	Stuart Clark
Draft v6.0 / 08 May 2018	Amendments following review by Stuart Clark, Sinéad O'Donoghue, and Laila Bassett	Stuart Clark
Draft v7.0 / 10 October 2018	Amendments following public consultation	Stuart Clark
Draft v7.1 / 10 October 2018	Additional amendment following consultation	Stuart Clark

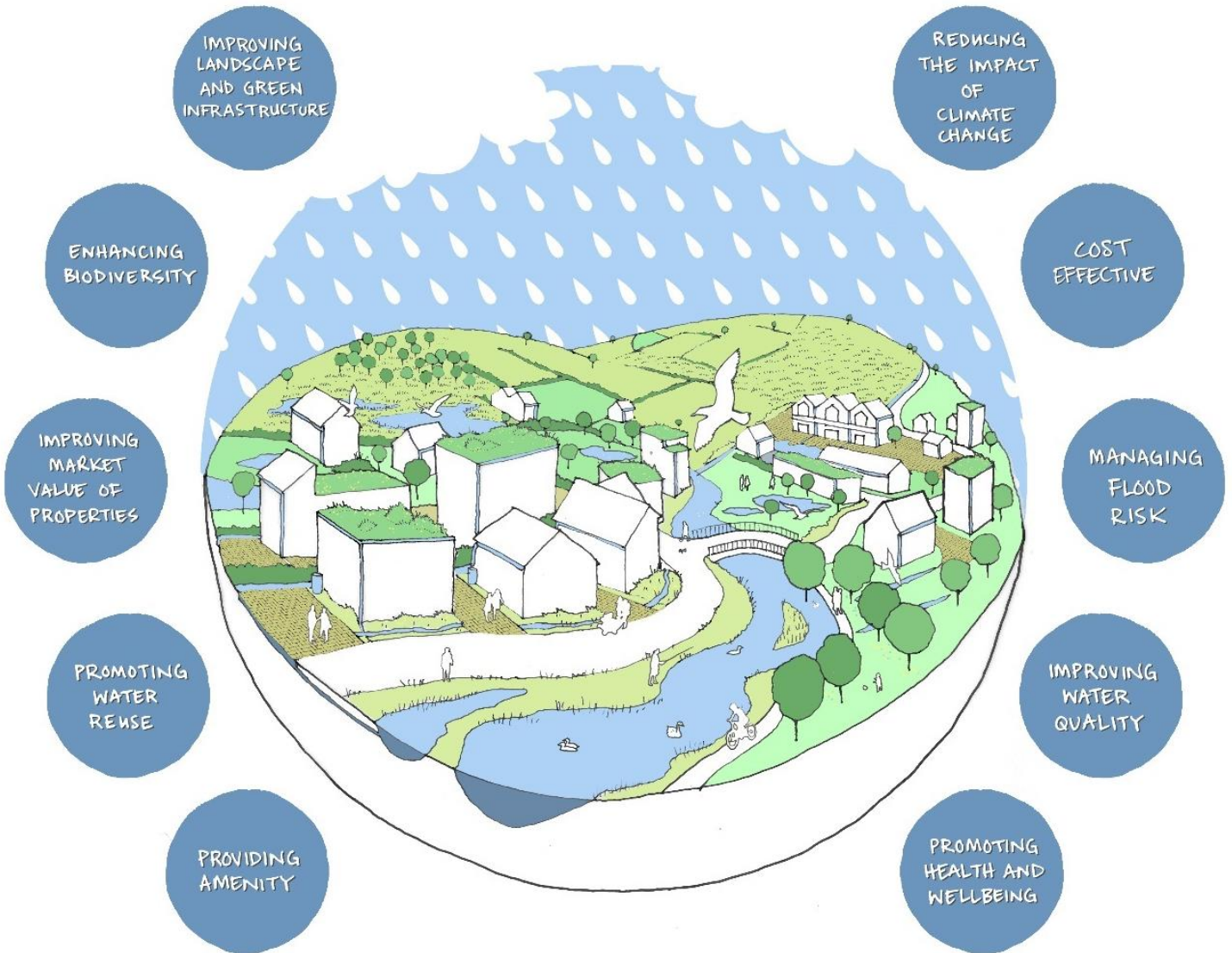
Key	
	Excerpt from the CIRIA SuDS Manual
	Signpost to further technical guidance
	Link to national and local planning policy
	West Berkshire SuDS SPD Policy/Standard

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1 Our vision

Our vision for West Berkshire is that all development will manage surface water runoff as close to the source as possible, using Sustainable Drainage Systems (SuDS). SuDS will be integrated within the built environment ensuring good quality design is partnered with water management. SuDS will be designed not just to drain the site, but also to provide multiple benefits, such as improving water quality, flood risk, resilience to climate change, public amenity, and biodiversity.



'Our Vision' illustration (© JBA Consulting)

2 Overview and context

2.1 Purpose of this document

This Supplementary Planning Document (SPD) is intended to introduce the concept of SuDS, and outline the design principles required to deliver SuDS in West Berkshire. It provides advice on integrating SuDS within any development and delivering the multiple benefit drainage systems expected within West Berkshire.

As a unitary council, West Berkshire Council (WBC) acts as the Highway Authority, Lead Local Flood Authority and Local Planning Authority for the District. In its role as Lead Local Flood Authority (LLFA), WBC is responsible for managing flooding from surface water, groundwater and ordinary watercourses (all watercourses not classified as Main Rivers) (see Section 6.2) and is statutory consultee to the planning system on surface water drainage matters.

The SPD is intended to assist WBC, developers and property owners to deliver SuDS which:

- are appropriate to the local area and its hydrology;
- deliver social, environmental and financial benefits;
- aim to meet a range of sustainability and place-making objectives;
- are clearly presented at planning stage, enabling an efficient review and approval process; and
- have clear responsibilities for future maintenance and management.

Where appropriate, it defines local technical design standards for West Berkshire where these go beyond national standards. However, this document is **not** intended as a detailed design guide. The CIRIA SuDS Manual C753 (2015) is recommended for this purpose, and relevant chapters of the manual, and other reference documents are signposted throughout this SPD.

Finally, the document outlines the planning and approval process, and provides checklists and advice to ensure that the planning requirements are clear and accessible (Section 4.2).

2.2 What are SuDS and why use them?

2.2.1 What are SuDS?

“The SuDS approach involves slowing down and reducing the quantity of surface water runoff from a developed area to manage downstream flood risk, and reducing the risk of that runoff causing pollution. This is achieved by capturing, infiltrating, slowing, storing, conveying and treating runoff on site and, where possible, on the surface rather than underground. Water then becomes a much more visible and tangible part of the built environment, which can be enjoyed by everyone.”
The SuDS Manual C753 p.19(CIRIA, 2015)

In the past, conventional drainage and urbanisation have speeded up the pathways by which water reaches our rivers, changing flow regimes, disrupting habitats and increasing pollution. SuDS are a way to manage surface water by replicating natural drainage patterns, and deliver benefits in terms of **water quantity, water quality, amenity and biodiversity**.

SuDS systems are designed with a series of interconnected components, often described as the ‘management train’. Each stage of the system progressively reduces runoff peaks and volumes, and improves water quality before it leaves the site. SuDS use rainwater as a resource, managing it close to where it falls (often referred to as source control) by keeping it on the surface or allowing it to infiltrate into the ground. Water should be conveyed on the surface (rather than piped underground) wherever possible to maximise biodiversity benefits.

CIRIA (2015) The SuDS Manual (C753) - Chapter 1: The philosophy of SuDS

CIRIA (2013) Water sensitive urban design in the UK: Ideas for built environment practitioners

CIRIA (2017) Guidance on the construction of SuDS

2.2.2 What are the benefits of using SuDS?

The primary benefits of SuDS are in managing water quantity and quality, as well as protecting and improving the environment and biodiversity. This has a positive impact on flood risk downstream, a key issue in West Berkshire.

“Surface water is a valuable resource and this should be reflected in the way it is managed and used in the built environment. It can add to and enhance biodiversity, beauty, tranquillity and the natural aesthetic of buildings, places and landscapes and it can help make them more resilient to the changing climate.”

The SuDS Manual C753 p.19 (CIRIA, 2015)

SuDS also present an opportunity to gain a host of **social, environmental and financial benefits** for residents and developers (highlighted using symbols throughout this document).

SuDS can be integrated into all new and existing development, by designing source control techniques into the built environment, and keeping water as part of the landscape.

West Berkshire Council want to maximise the multiple benefits offered by SuDS for every development, by encouraging imaginative and innovative design solutions that add value.



2.2.3 Who is the guide for?

This guidance is primarily intended for practical use by designers of surface water drainage systems. However, the guide is also relevant to all those involved in the master-planning, design, approval, construction and maintenance of new development:

- Developers
- Architects and landscape architects
- Consultant engineers and designers
- Maintenance companies
- Landowners and property owners
- Social housing providers
- Residents
- West Berkshire Council (in its capacity as Local Planning Authority (LPA), Highways Authority and Lead Local Flood Authority (LLFA))

2.2.4 What type of developments?

This guidance demonstrates that SuDS can be incorporated into **all types** of development, and is intended to encourage SuDS uptake down to permitted development scale:

- Residential, commercial, industrial and mixed developments
- Greenfield and previously developed sites
- Major development (where the LLFA has a statutory consultee role)
- Minor developments (including extensions, conservatories and driveways)
- Permitted development
- Refurbishments of existing developments (SuDS retro-fitting)
- Existing public open space and streetscapes (SuDS retro-fitting)

2.2.5 What are the keys to the successful design and implementation of SuDS?

This guidance provides a starting point for the design of a successful SuDS scheme. The key elements of this are:


- Early consultation with West Berkshire Council
- Integrate SuDS into the design from the beginning
- Ensure opportunities for multiple benefits are realised
- Agree or develop adoption strategy for all forms of SuDS to be used on the site
- Consider the operation and maintenance requirements of the whole drainage system




2.3 How can SuDS support other legislation and policies?



The multiple benefits of SuDS will help developments contribute towards the objectives of national planning policy and Local Plan policies. The Local Plan currently comprises of the Core Strategy Development Plan Document (DPD) (adopted 2017), and the West Berkshire District Plan 1991-2006 (Saved Policies 2007). The Local Plan is currently undergoing review, and SuDS will support any existing policies rolled forward into the new Local Plan.

SuDS shall also contribute towards the aims of Neighbourhood Plans, and will be designed to include any local needs specified within the relevant Neighbourhood Development Plan.

SuDS can contribute to meeting the requirements of the following policies and legislation:

Benefit	Legislation / policy	Implications
Managing flood risk 	Flood and Water Management Act (FWMA) (2010)	Established Lead Local Flood Authorities (LLFAs), giving them responsibility for managing the risk of flooding from surface water, groundwater and Ordinary Watercourses (often described as 'local flood risk'). Schedule 3 of the FWMA introduces changes to the legislation relating to SuDS. These changes have not yet been enacted.
	Town and Country Planning (Development Management Procedure) (England) Order (2015)	Designates West Berkshire Council, as LLFA, to be a statutory consultee on surface water drainage proposals for all Major developments.
	National Planning Policy Framework (NPPF) (DCLG, 2012).	Section 10. Meeting the challenge of climate change, flooding and coastal change <i>"using opportunities offered by new development to reduce the causes and impacts of flooding"</i>
	Planning Practice Guidance: Flood Risk and Coastal Change (DCLG, 2015)	Section 21. "Reducing the causes and impacts of flooding", recommends the use of SuDS.
	WBC Core Strategy Policy CS16: Flooding	<i>"...On all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with best practice...and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development..."</i>
	WBC local flood risk strategies and plans	Documents such as the Strategic Flood Risk Assessment (SFRA), Local Flood Risk Management Strategy (LFRMS) and Surface Water Management Plans (SWMP) all seek to reduce flooding through the planning process.
	Environment Agency River Basin policy documents	River Thames Catchment Flood Management Plan (CFMP) (2009) and Flood Risk Management Plan: River Thames River Basin (2016) seek to reduce flooding through the planning process.
	Core Strategy Policy CS16:	<i>"...provide other benefits where possible such as water quality, biodiversity and amenity..."</i>

Benefit	Legislation / policy	Implications
Improve water quality 	Flooding	
	EU Water Framework Directive (2000)	Improving the water quality of receiving waters such as rivers, streams and groundwater is an obligation under the WFD. Local targets are outlined in the Thames River Basin Management Plan (RBMP) (2009)
Enhance biodiversity and improve green infrastructure  	Natural Environment and Rural Communities Act (2006)	WBC has a duty to conserve, restore and enhance biodiversity. Section 41 identifies Habitats and Species of Principal Importance for Biodiversity in England.
	Conservation of Habitats and Species Regulations (2017)	Regulations which identify and conserve European designated sites and protected species. Careful management of impacts on water quality and biodiversity is a key consideration for SuDS close to European sites.
	Wildlife and Countryside Act (1981) (as amended)	Legislation which protects animals, plants and habitats in the UK. Under the Act, WBC has a duty to consult Natural England on any planning applications which may negatively impact on a SSSI.
	National Planning Policy Framework (NPPF) (DCLG, 2012).	Section 11. Conserving and enhancing the natural environment. <i>"Contribute to conserving and enhancing the natural environment and reducing pollution"</i>
	Planning Practice Guidance: Natural Environment	Outlines policies on landscape, biodiversity and ecosystems, green infrastructure and brownfield land, all of which are supported by the implementation of SuDS
	The Natural Environment in Berkshire: Biodiversity Strategy 2014-2020	Replaces the Berkshire Biodiversity Action Plan (BAP). Builds upon national and regional targets for biodiversity enhancement. This identifies many opportunities for biodiversity and geological enhancement in all parts of the district. Aim identified for the creation of 11 ponds within the district: There is the potential for SuDS to contribute towards this aim.
	Core Strategy Policy CS14: Design Principles	<i>"...provide, conserve and enhance biodiversity and create linkages between green spaces and wildlife corridors..."</i>
	Core Strategy Policy CS16: Flooding	<i>"...provide other benefits where possible such as water quality, biodiversity and amenity..."</i>
	Core Strategy Policy CS17: Biodiversity and Geodiversity	<i>"...all 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."</i>
	Core Strategy Policy CS18: Green Infrastructure	<i>"...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...."</i>

Benefit	Legislation / policy	Implications
Provide amenity, health and well-being 	Core Strategy Policy CS16: Flooding	"...provide other benefits where possible such as water quality, biodiversity and amenity ..."
	Quality Design SPD (2006) Part 2: Residential development	SuDS can contribute in terms of enhancing landscape setting (1.4) and outdoor / private amenity space (1.16).
	Health and Social Care Act (2012)	Established Council Health and Wellbeing Boards and strategies.
	Joint Health and Wellbeing Strategy (2017-2020)	Promotes sustainability, positive mental health and wellbeing, as well as promoting physical activity for children and older people. "Build a thriving and sustainable environment in which communities can flourish."
Enable sustainable design	Core Strategy Policy CS15: Sustainable Construction and Energy Efficiency	SuDS can contribute to the aim of building sustainable homes. Efficient water usage helps to meet the National Technical Standards for housing, and WBC BREEAM requirements for new non-residential development.
	Quality Design SPD (2006): Part 4 – Sustainable Design Techniques	While this SPD will supersede Section 1.3, which covers SuDS, it will continue to complement other elements of sustainable design, Biodiversity, Landscaping and Planting (1.4) and Greywater Reuse, Water Collection and Storage (1.5).
Improve historic environment and landscape character 	Core Strategy Policy CS14: Design Principles	Requires new development to respect and enhance the character and appearance of the area, contributing positively to local distinctiveness and sense of place
	Policy CS19: Historic Environment and Landscape Character	Provides guidelines for adopting a holistic approach to conserving and enhancing the diversity and distinctiveness of the district's landscape character.
	North Wessex Downs AONB Management Plan 2014-2019	Sets out management objectives in terms of landscape, biodiversity, historic environment. Encourages green infrastructure.

2.4 National design guidance

National design guidance for SuDS is available from a number of guidance and code of practice documents, principally the SuDS Manual (CIRIA, 2015) supported by documents produced by the Local Authority SuDS Officer Organisation (LASOO) and British Standards Institution (BSI). The Susdrain website provides a good starting point.

Defra's Non-Statutory Technical Standards for Sustainable Drainage Systems (Defra, 2015) sets out limited, high level standards for managing flows and volume of runoff, flood risk within the development, structural integrity, maintenance and construction.

From a planning perspective, guidance on managing integrated water issues within local planning has been developed by the Cambridge Institute for Sustainability Leadership (2014).

CIRIA (2015) The SuDS Manual (C753)

Defra (2015) Non-statutory Technical Standards for Sustainable Drainage Systems

Local Authority SuDS Officer Organisation (LASOO) (living document) Non-Statutory Technical Standards for Sustainable Drainage: Best Practice Guidance

HM Government (2010) The Building Regulations Part H: Drainage and Waste Disposal

Susdrain website <http://www.susdrain.org/>

BSI Standards Publication (2013) Code of Practice for Surface Water Management for Development Sites.

Cambridge Institute for Sustainability Leadership (2014) Planning Advice for Integrated Water Management.

3 SuDS and West Berkshire

3.1 Characteristics of West Berkshire

West Berkshire is a rural authority in South East England, covering an area of approximately 704km². Over half of the population is centred in urban areas, with Newbury and Thatcham forming the largest towns, while the remaining 44% of the population is dispersed across the many smaller towns and villages.

3.1.1 Topography

Low lying floodplains of the River Kennet and Thames characterise the east of the district at around 40m above Ordnance Datum (AOD), while the altitude rises towards the North Wessex Downs in the north west of the district, reaching about 55mAOD at Thatcham, 125mAOD at Lambourn and 215mAOD at Farnborough.

3.1.2 Rainfall

The district is reasonably dry by UK standards, with an average annual rainfall of 800-1000mm. A shift in the seasonal pattern of rainfall is expected as a result of climate change, with summers becoming on average drier than at present and winters becoming wetter. The number of days experiencing rainfall in summer and winter will decrease and increase respectively, but the intensities of extreme rainfall in both seasons are expected to increase. Current projections indicate the most likely increase in extreme rainfall intensity in the order of 40% by 2080.

Current Government guidance (Environment Agency, 2016) recommends that an uplift of 20% (Central) to 40% (Upper end) should be applied to peak rainfall estimates, to account for the increase in rainfall intensity expected by the 2080s¹. West Berkshire Council require the upper end allowance of 40% to be used within design rainfall calculations.

3.1.3 Soils

Shallow lime-rich soils overlie the chalk in the downland areas to the north, graduating through slightly acidic loamy and clayey soils with lower permeability. Moving south-eastwards through the district, soils become seasonally wet and slightly acidic, with base-rich loamy and clayey soils further south. More freely draining soils occur in some small areas.

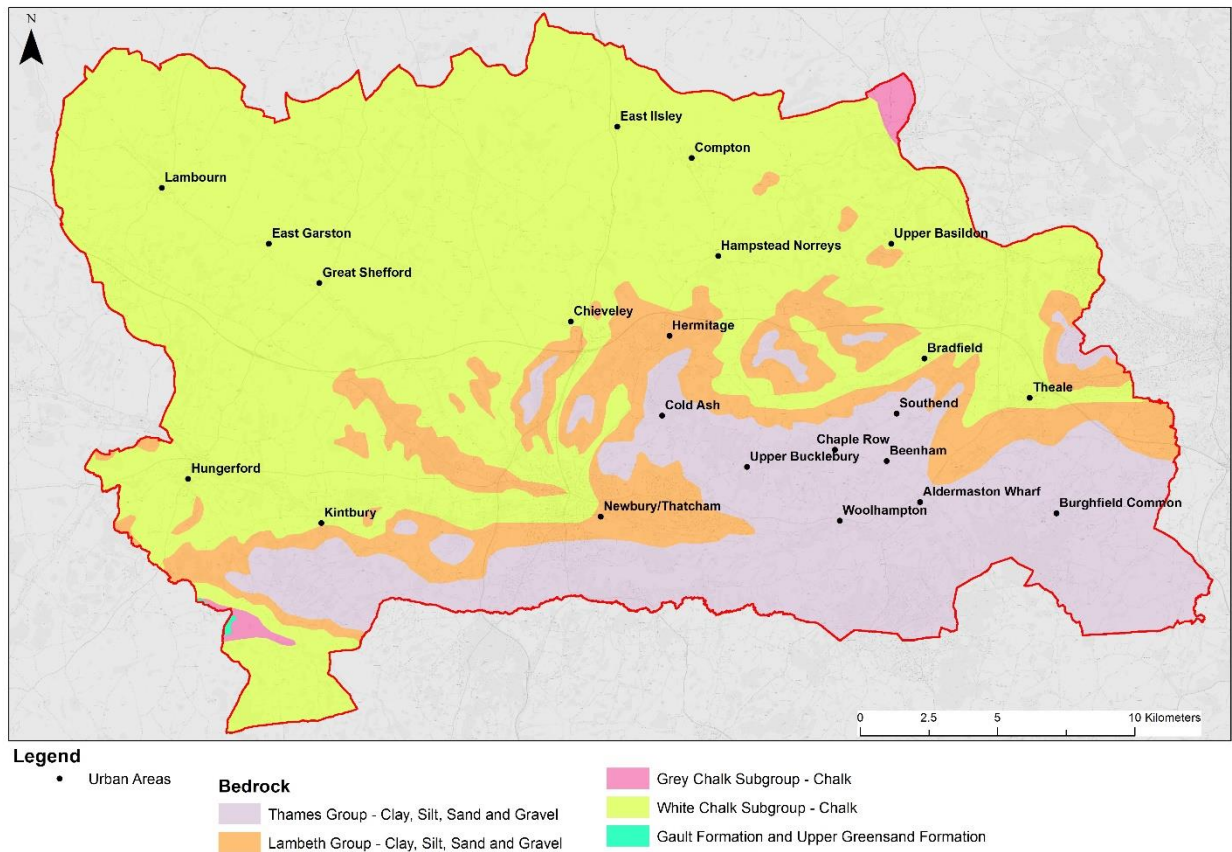
3.1.4 Geology

The geology is predominantly chalk, underlying the north and west of the district. The area surrounding the main river valleys to the south and east is underlain by the Thames Group, a sedimentary bedrock made up of clay, silt, sand and gravel (Figure 3-1).

On the upland slopes, there are surface deposits of clay and flint deposited during the Ice Age, and the river valleys contain clay, silt, sand and gravel associated with floodplain and river terrace deposits.

¹ Environment Agency (2016) Flood risk assessments: climate change allowances. Available at: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

Figure 3-1: Bedrock geology of West Berkshire.



3.1.5 Hydrogeology and water resources

The chalk is a Principal Aquifer and as such is an important public water supply resource. Abstractions are regulated by the Environment Agency. Large areas of the district are within Groundwater Source Protection Zones (SPZs), where the Environment Agency provide guidelines to protect groundwater from sources of pollution.

The supply areas of Thames Water and its neighbouring water companies are defined by the Environment Agency as being in a state of “serious” water stress ([Environment Agency, 2013](#)). West Berkshire’s stressed water resources will come under further pressure with future population growth and climate change.

3.1.6 Landscape

West Berkshire has a varied and distinctive landscape character, containing heathland, woodland, wet and dry grasslands and small areas of wetland.

The North Wessex Downs Area of Outstanding Natural Beauty (AONB) covers around 74% of West Berkshire. Designated for the quality of its scenic beauty and chalk landscape, it is a nationally important and legally protected landscape.

3.1.7 Habitat and biodiversity

West Berkshire contains designated sites of local, national and international importance which are central to conserving its biodiversity, ecology and wildlife. These include 51 Sites of Special Scientific Interest (SSSIs), 3 Special Areas of Conservation (SACs) (including the River Lambourn, the Kennet and Lambourn Floodplains and the Kennet Valley Alderwoods), 500 local wildlife sites and 17 Biodiversity Opportunity Areas (BOA).

Around 350km of rivers in the district are also UK Biodiversity Action Plan (BAP) designated chalk river priority habitats.



The River Lambourn, a designated chalk stream (SAC, BAP, SSSI) (© JBA Consulting)

3.1.8 Flood risk

A significant number of properties in West Berkshire are at risk from flooding from various sources (river, surface water, groundwater) and this is a major concern for residents.

Flood risk arises from the Rivers Kennet, Lambourn, Enborne, Pang and Thames, affecting in particular the settlements of Newbury, Thatcham, Hungerford, Purley-on-Thames and Pangbourne.

There is also significant surface water flood risk in the district, with over 2500 properties affected in July 2007, mostly in Thatcham, Newbury, Pangbourne, Woolhampton and Lambourn. WBC as LLFA has designated several Critical Drainage Areas (CDAs) where surface water flood risk is high, including parts of Newbury, Thatcham, Hungerford, Lambourn, Beedon, Hermitage and Pangbourne. Further details of these CDAs are provided within the West Berkshire SFRA Level 1 Update (2015).



Road closed due to flooding (© JBA Consulting)



Flooded development site (© JBA Consulting)

The underlying chalk geology heavily influences the susceptibility of the district to groundwater flooding, as most recently experienced during the winters of 2000/01, 2002/3, 2012/13, and 2013/14. Worst affected settlements include Great Shefford, Compton, Hampstead Norreys, East Ilsley and West Ilsley. Groundwater levels are at their highest between November and March and can be particularly heightened if the preceding summer has been wetter than average. High groundwater levels can penetrate basements and sewers and activate seasonal springs, streams or 'bournes'. Groundwater flooding can last for weeks or months, increasing the severity of impact on people and property compared with other forms of flooding.

A number of flood alleviation and property resilience schemes have been implemented in West Berkshire, to manage fluvial, surface water and groundwater flood risks. In addition to traditional defence schemes, Natural Flood Management (NFM) techniques are also being investigated within the Pang Valley. NFM techniques, such as debris dams, reconnection and woodland planting of the floodplain, can help to deliver multiple benefits of managing food risk, reducing pollution and conserving the natural form and ecology of rivers.

The [Environment Agency](#) provides mapping of flood risk from rivers, sea, surface water and reservoirs. More information on flood risk is available in the [West Berkshire Strategic Flood Risk Assessment Level 1 \(2018\)](#).

3.1.9 SuDS in West Berkshire

The characteristics of West Berkshire offer a number of particular opportunities and constraints to the implementation of SuDS. Guidance on how to deliver SuDS on sites with constraints can be found in Section 5.

Issue / characteristic	SuDS Opportunities and Benefits	Constraint
Flood risk	Reduction of surface water and fluvial flood risk through attenuation of runoff. Improved public perception of new development. Retro-fitting of SuDS in Critical Drainage Areas and other areas of high surface water flood risk.	SuDS may be ineffective in fluvial Flood Zone areas or groundwater flooding areas. High groundwater levels may prevent the use of certain infiltration SuDS techniques.
Chalk geology	Highly permeable chalk geology lends itself to infiltration SuDS.	Tendency to simply discharge straight to soakaway rather than providing additional benefits. Possible structural issues with infiltration SuDS due to solubility of chalk leading to sink holes in the worst case. In Source Protection Zones, infiltration SuDS must remain sensitive to contamination of aquifers. Specific design considerations in areas where water table is frequently high.
Water quality	Contribute to the achievement of WFD targets for chemical and ecological status.	Sequential stages of treatment are required to manage pollutants close to source, rather than relying on 'end of pipe' solutions, such as oil interceptors. Treatment of runoff may not improve the WFD status of receiving waters, due to external pollution factors. However, pollutants generated by the site should still be managed on the site.
Water resources and supply stress	Improve quality and quantity of direct recharge to aquifers. Use of rainwater capture and reuse to save water.	In Source Protection Zones, infiltration SuDS must remain sensitive to contamination of aquifers.
Priority habitats	Improve biodiversity of UK BAP, SAC, SSSI designated chalk river priority habitats and other locally designated sites (e.g. Local Wildlife Sites). Improve biodiversity and habitat connectivity, particularly in Biodiversity Opportunity Areas (BOAs).	
Landscape and historic environment	Enhance the characteristics of the AONB landscape. Integrating historic assets into SuDS green space and re-instating features such as water meadows.	
Climate change	'Future-proofing' against predicted climate change impacts in West Berkshire.	

Issue / characteristic	SuDS Opportunities and Benefits	Constraint
Delivering quality housing	Enhancing landscape and character. Delivering high quality of design which responds positively to the local context. Improving marketability and value.	

4 Design and the planning process

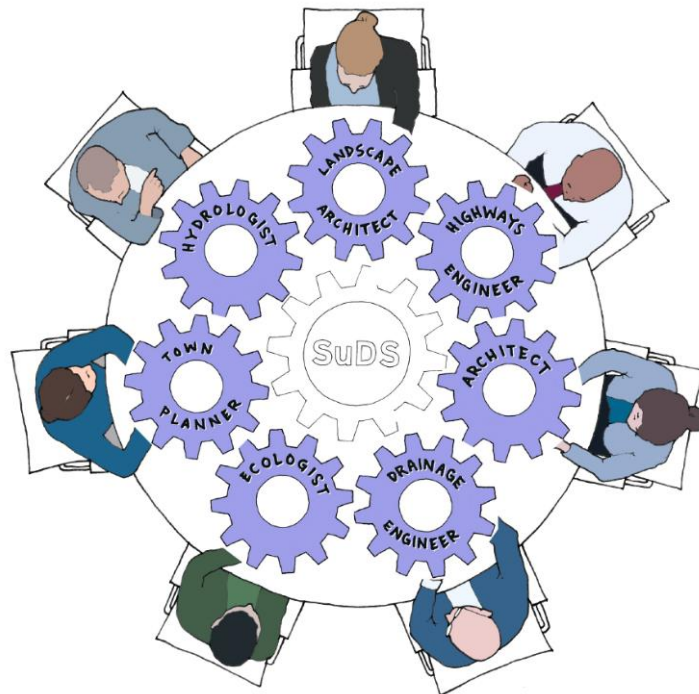
4.1 Use the right design team

To ensure an integrated SuDS design with multi-functional benefits is realised, a **multi-disciplinary** design team should be assembled. Effective communication and a shared vision for the design and delivery are essential. Identifying the likely input and interaction of professionals at an early stage will avoid costly delays to the process. For smaller developments, the design team will need to be proportionate to the scale of the development, but using multi-skilled designers with experience in these wider disciplines is advisable.

The members of the team will depend on the scale of the project. Potential members may include:

- Drainage engineer
- Landscape architect
- Architect
- Town planner
- Heritage specialist
- Hydrologist
- Ecologist
- Highways engineer

Many of the professionals required may be involved in other elements of the planning application or design (e.g. Flood Risk Assessments, Environmental Impact Assessments or open space landscape designs) highlighting the efficiency of integrating SuDS into the process from the beginning.



Design team illustration (© JBA Consulting)

4.2 The planning and design process

The CIRIA SuDS Manual provides in depth, step-by-step guidance on the design process. This section outlines how these design stages correspond with the planning process in West Berkshire.

CIRIA (2015) The SuDS Manual (C753) - Chapter 7: The SuDS Design Process

CIRIA (2010) Planning for SuDS: Making it Happen (C687)

Gov.uk website - Flood Risk Assessment for Planning Applications

4.2.1 Early concept design stage

WBC sees early planning as essential in the delivery of SuDS. Using innovative designs, source control techniques can be integrated into the built environment, reducing reliance on large, site-scale SuDS attenuation measures.

For all scales of development, developers should specify the strategic surface water management objectives and how they contribute to the wider development. Designers should

consider how to integrate SuDS and maximise opportunities for multiple benefits at the earliest concept design stage.

Informal discussions with the LPA and LLFA prior to formal pre-application are recommended for all developments, particularly large or complex sites. This will ensure that expectations for surface water management, climate change allowances, adoption and maintenance are clearly understood from the outset.

Early consideration must be given to:

- Identification of site characteristics which present opportunities and constraints for SuDS (topography, infiltration, discharge destinations, local habitats, flood risk, adoption arrangements etc.).
- Seeking advice and surveys from professionals from relevant disciplines (ecologists, landscape architects, archaeologists, drainage engineers etc.).

Sources of data for pre-application concept design:

West Berkshire Council online map

<http://ww2.westberks.gov.uk/InternetMapping/Map.aspx>

West Berkshire Strategic Flood Risk Assessment Level 1 (2008) Level 1 Update (2018) and Level 2 (2009)

<http://info.westberks.gov.uk/sfra>

Natural England

<http://magic.defra.gov.uk/MagicMap.aspx>

Environment Agency flood risk data

<https://www.gov.uk/guidance/environmental-data>

Soils

<http://www.landis.org.uk/soilscapes>

Geology

<http://mapapps.bgs.ac.uk/geologyofbritain/home.html>

BGS Infiltration SuDS map - contact West Berkshire Council (Land Drainage) for an excerpt

Topographical surveys and other relevant site surveys

4.2.2 Masterplanning

For larger developments, a masterplan will be necessary. At this stage the conceptual design and layout should be determined, designing SuDS around natural flow paths, low points and catchments.

SuDS should be integrated with multifunctional green spaces and the road network, with prevention and source control SuDS integrated into building designs. Land uses should be clustered to manage pollution.

Seeking advice from the LPA, LLFA and Highways Authority (see below) early in the masterplanning process will help to avoid costly issues or redesigns at a later stage. Considering SuDS at this stage also maximises the financial benefits of SuDS, such as cheaper drainage construction costs and a potentially more desirable development.

4.2.3 Pre-application

Applicants are encouraged to seek pre-application advice through the [West Berkshire Pre-Application Advice Service](#) to ensure the proposed development is of a high quality.

The more detail provided to the authority about the site location, flood risk constraints, proposed drainage system and discharge points, the better its advice can be.

WBC as LLFA will recommend use of the Sustainable Drainage Strategy Checklists, which have been designed to ensure that proposed drainage systems meet the requirements for approval, adoption and long-term maintenance. This allows any issues to be identified prior to submission.

4.2.4 Outline planning application

At this stage, the applicant should include an FRA (if required) and Outline Sustainable Drainage Strategy to demonstrate that SuDS have been appropriately considered. Site specific drainage requirements and constraints should be taken into account and incorporated effectively into the site layout.

The **Outline Sustainable Drainage Strategy** should include:

1. Site Location Plan (minimum scale of 1:2,500)
2. Details of how the proposed surface water scheme has been determined, following the drainage hierarchy (see Principle 1).
3. Proposed discharge locations.
4. Broad calculations of runoff rates and storage - existing surface water run-off rates, and an indication of post development run-off rates with associated storage requirements.
5. Details of site investigations (e.g. topographic survey, soakage testing)
6. Assessment of flood risk within the development and off-site impacts.
7. Conceptual design/layout of surface water drainage across the site, including outline sizing and optimisation.
8. Details of how the drainage system will operate, taking account of climate change and urban creep.
9. Provision for the safe management of exceedance flows within the site.
10. Justification of chosen components in the management train.
11. Indication of how the design will incorporate multi-functional green spaces and provide multiple benefits (e.g. water quality, biodiversity, amenity, education, landscape, health and well-being).
12. Outline maintenance plan.
13. Correspondence with relevant stakeholders.
14. Consideration of how drainage and flood risk will be managed during construction.

The outline application sections of the Major Applications Sustainable Drainage Strategy checklist should be completed.

For minor developments of three to nine houses, the outline sections of the Minor Applications Sustainable Drainage Strategy Checklist should be completed.

4.2.5 Full planning application or reserved matters application

Many developments move directly from the pre-application stage to a full planning application. At this stage, applicants will be expected to submit a FRA (if required) and a detailed Sustainable Drainage Strategy alongside the planning application.

Where outline planning permission has already been granted, the applicant is expected to provide full details at this stage.

The **Detailed Sustainable Drainage Strategy** should include everything required for an outline strategy, plus:

1. Details of existing layout, drainage arrangement and surface water flow paths for the site.
2. Results of ground investigations and testing (groundwater monitoring, soil samples, ground stability).
3. Detailed calculations of runoff rates and storage (including existing surface water run-off rates, post development run-off rates with associated storage requirements, and emptying times for the system).
4. Discharge locations and details of required consents from Environment Agency or WBC, and agreements from landowners where drainage crosses third-party land.
5. Detailed explanation of how the design will provide multiple benefits (e.g. water quality, biodiversity, amenity, education, landscape, health and well-being), including links to designs for landscaping, planting schemes etc.
6. Detailed design plans/drawings of surface water drainage across the site (minimum scale 1:500), showing the finalised SuDS scheme and its contributing area. It should demonstrate that opportunities to integrate SuDS have been maximised and fully justify any reasons against their use.
7. Detailed schematisation of components/management train, including long-section and cross-section drawings, pipe diameters, invert levels and gradients.

8. Full maintenance and management plan of the surface water drainage system.
9. Details of a formal agreement, if adoption is proposed, including arrangements of whole life costs for the system (100 years) with organisations that will be responsible for maintenance.
10. Construction programme and method statement, detailing any planned phases, and how on-site and off-site flood risk will be managed during the construction process.
11. Landscape planning strategy.
12. Health and Safety file (particularly where open water SuDS are proposed).

All sections of the Major Applications Sustainable Drainage Strategy checklist should be completed.

For minor developments of three to nine houses, all sections of the Minor Applications Sustainable Drainage Strategy Checklist will need to be completed. A FRA may be required, or the Environment Agency's standing advice may be followed.

5 Principles and standards for integrated SuDS design

This section outlines a framework of local principles for developers and their consultants to follow in order to deliver a SuDS scheme which meets the design and added value requirements of West Berkshire Council.

West Berkshire's SuDS principles aim to:

1. Replicate natural drainage and manage water quantity
2. Improve water quality
3. Promote and enhance biodiversity
4. Enhance the landscape and historic environment
5. Engage and benefit the local community
6. Ensure that SuDS are maintained for the lifetime of the development
7. Adopt good practice in construction of SuDS
8. Encourage SuDS retro-fitting

Details of the design process and how it links with the planning process are given in Section 4.

Links to the relevant chapters of the CIRIA Manual (2015) are provided in each section for more detail.

5.1 Principle 1: Replicate natural drainage and manage water quantity

5.1.1 Overview

Flood risk is a key concern in West Berkshire, with significant existing problems of fluvial, surface water and sewer flooding. Developments that demonstrate active management of flood risk both on and offsite are likely to be more attractive to the public.

In developments with 'traditional drainage' the growth in impermeable area increases the speed and magnitude of the peak runoff and volume compared with the natural drainage regime. For small events, this can negatively impact the morphology and ecology of receiving watercourses. For larger events, it can increase the flood risk downstream. SuDS systems slow down this response by replicating natural drainage, and manage flood risk on site and downstream. Existing features such as wetlands, streams, and areas of high water table should be preserved.

Current minimum technical standards for SuDS in terms of peak flow control, volume control and flood risk are set out in Defra's (2015) Non-statutory Technical Standards for Sustainable Drainage Systems. In West Berkshire, the non-statutory standards have been translated into local standards, and have included consideration of climate change and urban creep.

5.1.2 Policy/standards

- SuDS designs shall include source control and should convey water on the surface, integrating it into the site design.
- Following water reuse and recycling, the discharge destination shall be prioritised using the following hierarchy:
 1. Infiltration
 2. Discharge to surface watercourse
 3. Discharge to surface water sewer or other drainage system (note that discharge will not be allowed to foul or combined sewers, or existing highway drains).
- Proposals to discharge into a water body, public or private sewer shall be accompanied with correspondence confirming acceptance of the proposal from the network owner, and evidence of capacity in the network to receive the additional flows. Discharge to an Ordinary Watercourse is subject to an Ordinary Watercourse Consent from WBC.
- For all development (both greenfield and previously developed sites):
 - SuDS designs shall apply a 40% uplift to peak rainfall estimates, to account for the effect of climate change on rainfall intensity, and an appropriate increase in impermeable area, to account for the effect of urban creep on runoff rates (see Section 5.1.5).
 - The peak runoff rate from the development for the 1 in 1-year rainfall event and the 1 in 100-year event shall not exceed the peak greenfield runoff rate for the same event. If not achievable, evidence must be provided, and a suitable rate agreed with the LLFA.
 - The runoff volume from the development in the 1 in 100-year, 6-hour rainfall event shall be limited to the greenfield runoff volume for the same event. If not achievable, long-term storage must be provided, and a suitable discharge rate agreed with the LLFA.
 - Attenuation storage for peak flow control should be designed to drain down to half-empty within 24 hours.
 - The drainage system shall be designed so that, unless an area is designated to hold and/or convey water as part of the design:
 - Flooding does not occur on **any** part of the site for a 1 in 30-year rainfall event.
 - Flooding does not occur during a 1 in 100-year plus 40% climate change rainfall event in any part of: a building (including a basement); or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
 - The design of the site shall ensure that flows resulting from rainfall in excess of a 1 in 100-year plus 40% climate change rainfall event are managed via exceedance routes that minimise the risks to people and property within the site and downstream.

5.1.3 Supporting text: Discharge destination

Choice of discharge destination should be prioritised according to the discharge destination hierarchy. The majority of towns and large villages in the district, including Newbury, Thatcham, Purley-on-Thames and Lambourn have separate surface water and foul systems. However, in more isolated villages with foul systems only, infiltration and discharge to surface watercourses are the only options. In West Berkshire, discharge to foul or combined sewers, or existing highway drains will not be permitted within planning applications.

Discharge to infiltration shall not be proposed in areas susceptible to groundwater flooding.

Where discharge to a water body is proposed, it shall be demonstrated that performance of the designed drainage system would not be restricted, and cause flooding, due to high water levels in the receiving water body at the time that the drainage system is discharging, or provision must be made to ensure the drainage system can retain water for periods during which discharge to the river cannot take place.

The relevant authority for the receiving watercourse or drainage system shall be consulted, and the appropriate consents obtained. For Main River, a Flood Risk Activity Environmental Permit from the Environment Agency may be required. For all other watercourses discharge is subject to an Ordinary Watercourse Consent from WBC. A Section 106 agreement with Thames Water

is required to connect into a public sewer. Discharge into a canal or navigable river will require a formal agreement with the Canal and River Trust. See Sections 5.6.3, 5.6.4 and 6.4 for more detail.

5.1.4 Supporting text: Peak runoff rate and volume

Peak runoff rates and total volumes of runoff should be controlled by means of using both attenuation systems and volume reduction mechanisms, for example by capturing runoff at source, using it as a resource (e.g. rainwater capture and reuse), slowing flow rates across the site, storing runoff, and maximising infiltration and evaporation. This applies to both extreme rainfall conditions as well as minor events to achieve interception.

Applications must include details of flows which discharge into the site, and how these flows will be routed through the development and prevent flood damage on site or downstream of the site. An 'integrated' management train must be proposed, with flow attenuated and controlled at all locations within the development, considering property level SuDS, street level SuDS as well as site controls.

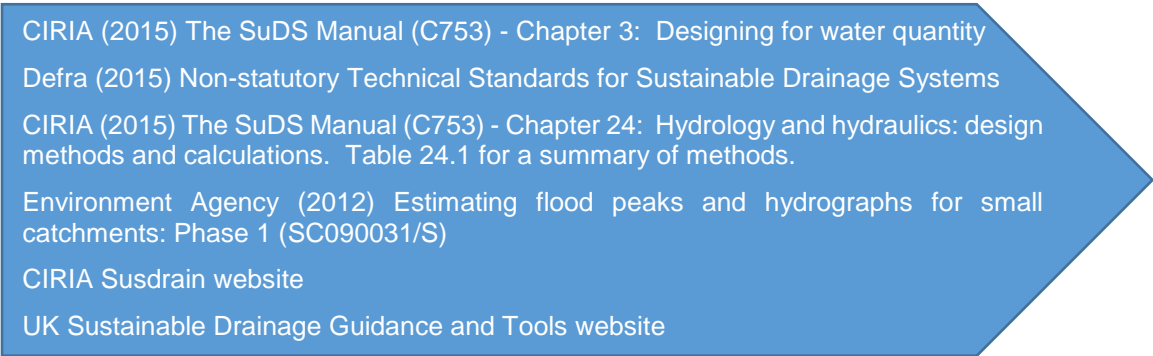
End-of-pipe 'attenuation-only' approaches (for example a pond or underground storage tank with a controlled outlet) do not offer multiple benefits and will only be accepted if no other solutions are feasible. The method of control at the outlet (e.g. vortex control products, orifice, pipes) should be suitable for the rate of discharge to achieve desired flow control rates as well as minimising blockage risk and maximising ease of operation and maintenance.

There are various methods, tools and websites available for estimating pre- and post-development runoff and volumes. In line with the CIRIA SuDS Manual and interim Environment Agency guidance, use of Flood Estimation Handbook (FEH) methods is recommended for greenfield runoff estimation in West Berkshire (Table 24.1, The SuDS Manual C753; Environment Agency, 2012). The choice of method must be properly justified based on the latest guidance at the time of application and the catchment characteristics, for example some methods are not suitable for the highly permeable catchments found in parts of West Berkshire.

The effort and expense spent on runoff calculations should be proportional to the scale and potential impact of the development. Some large developments may require short-term gauging to verify flows as well as longer term monitoring of groundwater levels.

If infiltration SuDS are proposed, a desktop study and ground investigations (infiltration tests, groundwater level monitoring) must be carried out to confirm that conditions are suitable for the system to work effectively. The base of the infiltration unit must be more than 1m above the maximum estimated high groundwater level.

The characteristics of West Berkshire mean that SuDS are suitable for almost all developments. Where SuDS are not proposed, or they are used but do not meet the required peak runoff rates and volumes, West Berkshire Council will require the developer to provide detailed evidence to demonstrate why these standards cannot be met.



CIRIA (2015) The SuDS Manual (C753) - Chapter 3: Designing for water quantity
Defra (2015) Non-statutory Technical Standards for Sustainable Drainage Systems
CIRIA (2015) The SuDS Manual (C753) - Chapter 24: Hydrology and hydraulics: design methods and calculations. Table 24.1 for a summary of methods.
Environment Agency (2012) Estimating flood peaks and hydrographs for small catchments: Phase 1 (SC090031/S)
CIRIA Susdrain website
UK Sustainable Drainage Guidance and Tools website

5.1.5 Supporting text: Climate change and urban creep allowances

West Berkshire Council expects SuDS designs to allow for a 40% uplift for climate change. This is based on the Government's 'upper end' estimate of rainfall intensity for the 2080s. Where developments have a short to medium-term design horizon, the allowance may be lowered to the 2050s estimate (20%), however this will be decided by WBC on a case-by-case basis.

'Urban creep' is the increase in runoff rate that may occur due to an increase in impermeable area draining to the SuDS system over time without planning permission being required (e.g. permitted development such as construction of patios, conservatories, small extensions etc). The potential for urban creep will vary with the density of the original development, and this should be allowed for in design calculations using Table 5-1.

Table 5-1: Urban creep allowances (from LASOO guidance)

Residential development density (dwellings per hectare)	Change allowance (% of impermeable area)
≤25	10
30	8
35	6
45	4
≥50	2
Flats and apartments	0

Gov.uk website (live) Flood Risk Assessments: Climate Change Allowances

Local Authority SuDS Officer Organisation (LASOO) (living document) Non-Statutory Technical Standards for Sustainable Drainage: Best Practice Guidance

5.1.6 Supporting text: Flood risk and designing for exceedance

The SuDS system must be designed to safely manage flood risk to people and property from the drainage system on site.

Flow exceeding the level of service for the drainage system should be contained within designated exceedance routes (such as roads and paths), and storage areas (such as car parks and amenity areas), which should be safeguarded from further development for the lifetime of the development. The site exceedance design should ensure the risk to people and property is safely managed up to the 1 in 100-year rainfall event, including a 40% allowance for climate change and an appropriate allowance for urban creep.

Exceedance flow routes, including flows from outside of the site, need to be considered at the early design stages. Other failure mechanisms (e.g. blockages, pump failure, vandalism) should also be considered within the design. Distributed drainage systems with many points of potential minor failure are more resilient than those with a single point of potentially catastrophic failure. The latter will not be acceptable to WBC on most sites.

Flood risk from surface water, and external sources such as rivers and groundwater must be assessed through a site-specific Flood Risk Assessment (FRA) (see section 6.2).



Water exceeding drainage system via a manhole (© JBA Consulting)

5.2 Principle 2: Improve water quality

5.2.1 Overview

Runoff from urban areas can contain suspended sediments as well as dissolved pollutants and hydrocarbons, which can have a detrimental impact on light and oxygen levels in watercourses, leading to decline in biodiversity and toxic conditions for organisms. The release of pollutants into groundwater can be extremely difficult to rectify.

Improving the water quality of receiving waters such as rivers, streams and groundwater is an obligation under the EU Water Framework Directive (2000). West Berkshire contains numerous UK Biodiversity Action Plan (BAP) designated chalk river priority habitats and groundwater chalk aquifers are an essential source of drinking water. The ability of SuDS to treat and clean water in stages, removing pollution and suspended solids is a key factor in contributing to the target of 'good ecological and chemical status' of all ground and surface waters in West Berkshire. Pollution can be controlled by prevention, interception and treatment.

Where designed and delivered effectively, SuDS should not have a negative impact on water quality. However, particular care should be taken to deliver appropriate treatment and control of runoff in areas with environmental designations.

Supports delivery of:
Core Strategy Policy
CS16

Contributing to the
achievement of WFD
targets

5.2.2 Policy/standards

- The drainage system shall prevent runoff from leaving the site during interception events (<5mm rainfall).
- A SuDS treatment train approach shall be followed to ensure that runoff is treated to an acceptable standard before entering the receiving water body. Designs must demonstrate that they are:
 - Managing runoff close to the source
 - Treating runoff on the surface
 - Treating runoff to remove a range of contaminants
 - Minimising risk of sediment re-mobilisation
 - Minimising impact of accidental spills.

5.2.3 Supporting text: Interception

Runoff from small frequent events (those of less than 5mm total rainfall) constitutes the majority of annual runoff events and therefore convey the majority of the annual pollutant load to the receiving water course. Key to reducing pollution in rivers is therefore preventing any runoff from sites from the first 5mm for the majority of rainfall events, for example by using interception type SuDS such as rainwater capture and reuse, bioretention areas, green roofs, infiltration SuDS and pervious surfaces.

5.2.4 Supporting text: Water quality treatment

Interception is the primary defence against chronic polluting effects of developments, but designing SuDS to treat runoff is also important. Management of runoff water quality can be achieved through using SuDS components in series (this is termed a 'management train') promoting processes such as sedimentation, filtration, and biodegradation. Slow velocities and long retention times can increase the effectiveness of these processes.

The treatment train concept is a robust approach which allows chronic or diffuse urban pollution to be treated at each stage, gradually improving water quality as it travels through the system. The SuDS Manual offers an index method for designing the treatment train. Unlike a conventional system, SuDS design should ensure that if one part of the system is not functioning fully, the other components still provide attenuation and water treatment, making the system more resilient. Each stage provides a buffer for pollution incidents such as accidental spills/leaks. Additional controls such as oil separators may be needed in certain situations (e.g. garage forecourts, coach and lorry parks/turning areas), but are discouraged as a standard SuDS measure.

Particular attention will need to be given to water quality where receiving surface waters or groundwater are environmentally sensitive (see Section 6.3.2). West Berkshire will seek to work with Natural England to ensure that water quality and biodiversity in areas with environmental designations is protected.

CIRIA (2015) The SuDS Manual (C753) - Chapter 26: Water quality management: Design methods

CIRIA (2015) The SuDS Manual (C753) - Chapter 4: Designing for water quality

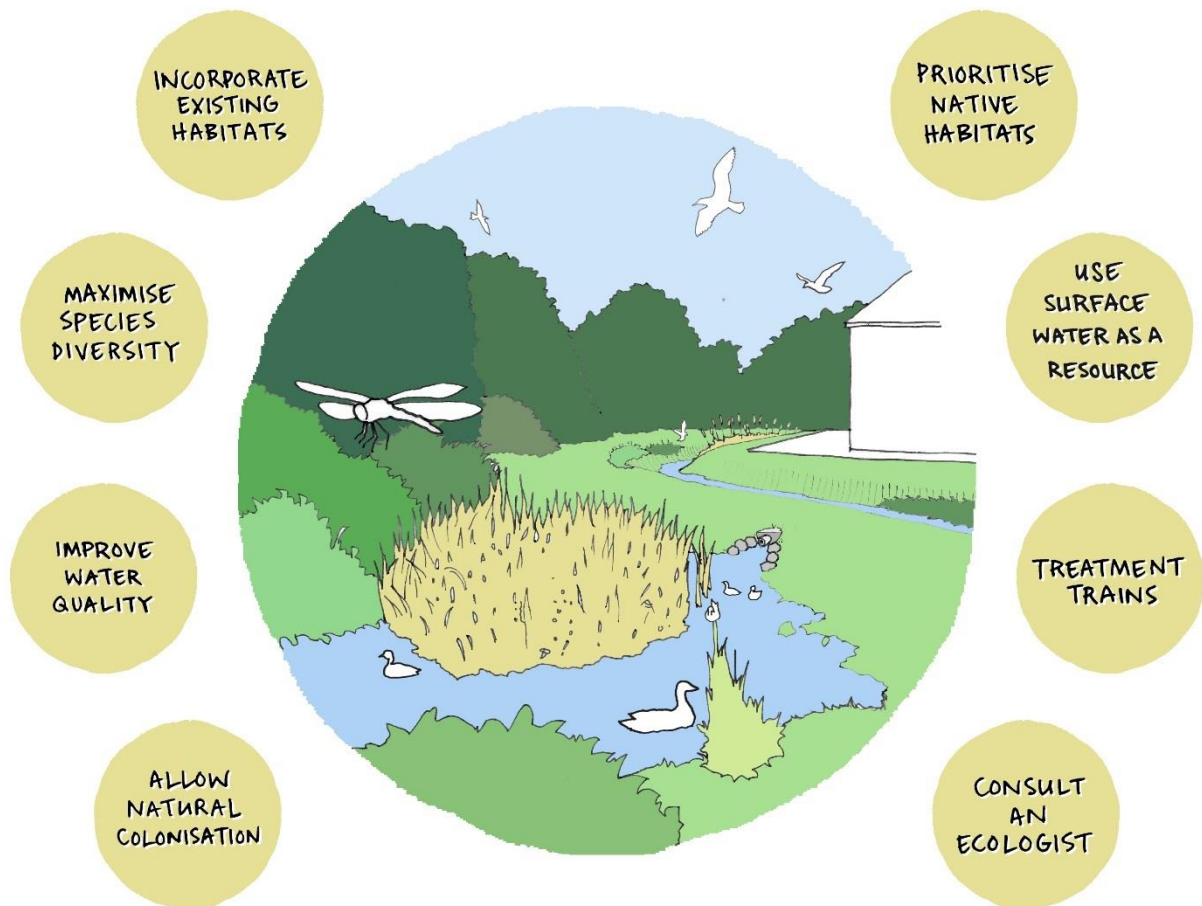
5.3 Principle 3: Promote and encourage biodiversity

5.3.1 Overview

Biodiversity is an essential part of sustainable development. It describes the diversity of species, the genetic variability of each species, and the different habitats that they form. Under national and local legislation and policy, LPAs have a responsibility to protect and enhance biodiversity. Many SuDS features can provide biodiversity benefits, either on their own or as part of wider green infrastructure. This contributes to rural/urban habitat connectivity, ecosystem resilience and achieving the aims of the Berkshire Biodiversity Strategy.

Supports delivery of:
Core Strategy Policy
CS14, 16, 17 and 18
NPPF Section 11

Supports Conservation
of Habitats and Species
Regulations (2017) and
Wildlife and Countryside
Act (1981) (as amended)



Biodiversity and SuDS illustration © JBA Consulting

5.3.2 Policy/standards

- SuDS designs shall demonstrate biodiversity benefits and contribute to the local green infrastructure by using drainage systems with nature-based solutions wherever possible.
- SuDS designs shall ensure that habitats and species native to West Berkshire are encouraged.
- The function and maintenance regime of SuDS designs shall remain feasible in light of ecological requirements.

5.3.3 Supporting text

Surface water should be used as a resource. Storing and conveying water on the surface (e.g. in swales or rills) provides greater opportunities for enhancing biodiversity rather than piping it underground. The biodiversity of infiltration systems can be improved by using diverse planting and incorporating bioretention areas into the design.

Habitats and species objectives that contribute to local, regional and national biodiversity targets should be prioritised. For example, those identified by the [Berkshire Biodiversity Strategy](#), and aims of the [Berks, Bucks and Oxon Wildlife Trust](#) and [West Berkshire Living Landscapes](#). Where possible, existing habitats should be retained and incorporated into the design. New habitats should be based on ecological context and site conditions.

Biodiversity Opportunity Areas (BOA) and opportunities for improving habitat connectivity have been identified by the [Berkshire Local Nature Partnership](#). The BOAs present further guidance and identify the areas where conservation action, such as habitat creation, is likely to have the greatest benefit for biodiversity. These areas should be considered for developing multiple benefit SuDS during the design stage.

An ecologist should be consulted early in the planning process. Ecological surveys and assessments should be carried out wherever development may have a significant biodiversity impact. For example, where legally protected species are present, the designed SuDS features should be selected to create habitats for these species. Where species colonise post-creation of SuDS, maintenance of the features should reflect their role as habitats.

CIRIA (2015) The SuDS Manual (C753) - Chapter 6: Designing for Biodiversity
CIRIA (2015) The SuDS Manual (C753) - Chapter 29: Landscape
RSPB/WWT (2012) Sustainable Drainage Systems: Maximising the potential for people and wildlife. A guide for local authorities and developers
Freshwater Habitats Trust (live) Pond Creation Toolkit website
CIRIA (2011) Delivering biodiversity benefits through green infrastructure (C711)

5.4 Principle 4: Enhance the landscape and historic environment

5.4.1 Overview

Integrating SuDS into the landscape enhances the attractiveness and amenity value of a development scheme and the visual quality of an area. They improve access to open green space and ensure consideration of site layout, user interaction, and selection of appropriate planting and soft landscaping.

SuDS can also help to conserve existing cultural, historical and landscape features, for example through reinstating historic water meadows, or integrating a historic monument sympathetically into the open space.

Supports delivery of:
Core Strategy Policy
CS14, 18 and 19
Quality Design SPD
(2006) Part 2:
Residential development

5.4.2 Policy/standards

- SuDS shall be designed to enhance the local landscape and historic environment, by integrating water and heritage features into the site landscape design.

5.4.3 Supporting text

A site assessment should be carried out to identify key environmental features on site and in the local area, including landscape character and heritage assets, and integrate them into the development.

A landscape architect (and where heritage assets on or near the site may be affected, a heritage specialist) should be consulted early in the planning process in order to have a fully integrated SuDS scheme that combines landform, hard and soft detailing and provides landscape, amenity and, where possible, heritage benefits.

Site constraints and opportunities should be identified including scale, topography within and outside the site, soils, aspect, landscape features, existing vegetation and how ground levels relate to the proposed development. The design should consider the intended use of the site, including access and circulation, and how hard and soft solutions can be appropriately integrated.

CIRIA (2015) The SuDS Manual (C753) - Chapter 5: Designing for Amenity
CIRIA (2015) The SuDS Manual (C753) - Chapter 29: Landscape

5.5 Principle 5: Engage and benefit the local community

5.5.1 Overview

SuDS help create places that support local communities and are sustainable, attractive and useful for people to live in. They can improve community cohesion, crime reduction, education, investment, recreation, health and well-being. This overlaps with many biodiversity, landscape and amenity benefits.

Delivery of
Core Strategy Policy
CS14
Quality Design SPD
(2006) Part 2:
Residential development

Supports Health and
Wellbeing Strategy
2015-2018

CIRIA (2015) The SuDS Manual (C753) - Chapter 5: Designing for amenity

5.5.2 Policy/standards

- Developers shall have suitable engagement with new and existing communities to explain the benefits and responsibilities of SuDS, appropriate to the scale of the development.
- Opportunities shall be taken to promote education, recreation, health and well-being through SuDS.
- All water features shall demonstrate that the risk of drowning has been assessed, and all reasonable measures have been taken to minimise the risk.

5.5.3 Supporting text: Community engagement

It is important to engage the community from the outset. Community buy-in and ownership of a SuDS scheme will encourage understanding of the benefits to householders, and help to identify and manage any concerns or objections to the scheme. Involvement of the community in the design process and maintenance of SuDS will help to create a shared responsibility and pride for the scheme in the longer term.

SuDS can bring a number of economic benefits to a community, as a by-product of improvements in visual attractiveness and provision of amenity, including: increasing property and land values; improving economic investment within the local area; and increasing employment productivity due to the high-quality working environment.

Once a scheme is in place, well-placed signage can help to explain the function of the feature and ensure continued community understanding. For major developments, information about SuDS, their benefits and any resident responsibilities should be included in a new resident's pack.

CIRIA (2013) The SuDS Manual Update (RP992): Health and safety principles for SuDS: framework and checklists.

CIRIA (2015) The SuDS Manual (C753) - Chapter 34: Community engagement

CIRIA (2015) Communication and engagement in local flood risk management (C751) and companion guide (C752)

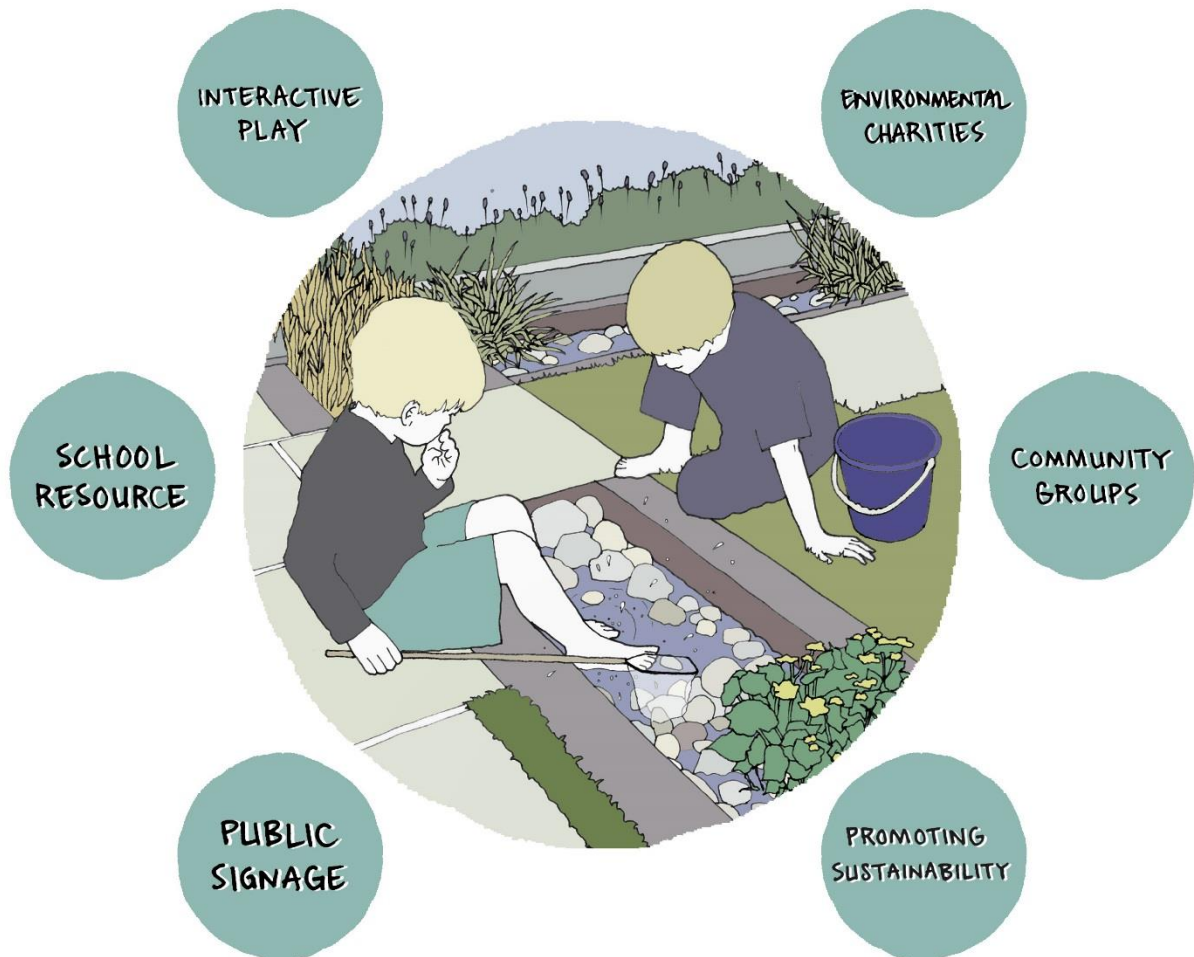
CIRIA (2015) The SuDS Manual (C753) - Chapter 36: Health and Safety

5.5.4 Supporting text: Education and play

Opportunities should be taken to promote the use of SuDS for environmental learning, either formally as a school resource, or more informally through the work of community or environmental organisations/charities.

SuDS in public spaces or schools can be purposefully designed to serve as an educational resource, e.g. for pond dipping, and provide opportunities to interact with water in playgrounds.

London Play (2010) Play with rainwater and SuDS



5.5.5 Supporting text: Recreation, health and wellbeing

SuDS can contribute to health and wellbeing in West Berkshire as identified by the [Joint Strategic Needs Assessment](#) and [Health and Wellbeing Strategy](#).

Well-designed SuDS go hand-in-hand with improving opportunities for recreation and exercise in public green spaces close to homes and places of work. This helps people live longer healthier lives, improving mental wellbeing through a higher urban quality of life ([Forestry Commission, undated](#)).

Trees and vegetation planted as part of a SuDS scheme can help to ‘scrub’ the air of particulates, improving air quality and respiratory health. They can also help to absorb sound, reducing levels of noise pollution.

5.6 Principle 6: Ensure that SuDS are adopted and maintained for the lifetime of the development

5.6.1 Overview

The long-term maintenance and management of a SuDS scheme is critical to its effectiveness and success, for example ensuring continued hydraulic effectiveness and the favourable condition of created habitats. These requirements should be considered from the outset, as they may influence the design.

Provisions for adoption must be considered and set out in the Sustainable Drainage Strategy. The adoption process begins once planning permission has been granted and includes the physical construction and subsequent maintenance of the SuDS.

Schemes will not be approved unless there is evidence that maintenance has been duly considered and planned.

Schedule 3 of the Flood and Water Management Act (2010) introduces changes to the legislation relating to adoption and maintenance of SuDS. Subsequent editions of this document will reflect those changes, once enacted/commenced.

5.6.2 Policy/standards

- SuDS designs shall be low-maintenance. Pumping should not be used unless draining water by gravity is not reasonably practicable.
- SuDS designs shall be robust and resilient, with a range of management train components used to ensure no single point of failure.
- Plans for adoption and a Maintenance Plan detailing the operation, monitoring and maintenance of the drainage systems for the life of the development shall be provided with all SuDS designs.

5.6.3 Supporting text: Adoption

The developer may arrange for adoption and maintenance to be undertaken by one of the following parties, where appropriate:

- West Berkshire Council - only adopt appropriate SuDS serving public highways, and those located on public open spaces to be maintained by the Council.
- Thames Water - may adopt private surface water drainage and drainage within the Adoptable Highway.
- Service management companies.
- Private ownership - SuDS on private property will remain the responsibility of the owner or tenant.

Where the SuDS are adopted by residents, provision should be made to ensure that they and future residents are aware of this responsibility, and that SuDS designs do not place an unreasonable burden on residents, where possible.

5.6.4 Supporting text: Adopted highways

Designing highway drainage for adoption requires early consultation with WBC, as the Highway Authority. Following consultation, WBC may adopt SuDS which directly drain the road network under a Section 38 Agreement (Highways Act, 1980) with the following considerations:

- SuDS proposed for adoption must be designed and built to current CIRIA SuDS Manual design standards.
- The preferred SuDS components for highways are roadside swales.
- Permeable paving can be adopted if demonstrated that the carriageway can be practically reconstructed whilst maintaining access for residents and emergency vehicles. This will be considered on a case-by-case basis.
- No private drainage will be allowed to discharge into adopted highway drains.
- Soakage crates will not be accepted under roads or footways.
- No discharge will be allowed into foul or combined sewers and existing highway drains.

Thames Water may adopt surface water sewer attenuation components (e.g. oversized pipes) within the Adoptable Highway, under Section 104 of the Water Industry Act (1991), a separate process to highways drainage adoption. However, they do not currently adopt 'soft' SuDS (e.g. swales) or engineered SuDS components (e.g. crate storage) in West Berkshire.

CIRIA (2015) The SuDS Manual (C753) - Chapter 9: Designing SuDS for Roads and Highways

SuDS Working Party (2009) SuDS for Roads

5.6.5 Supporting text: Maintenance

It is the responsibility of the developer to establish a maintenance agreement that ensures the drainage system functions as designed for the lifetime of the development. It is likely to be, but not necessarily, the same organisation which adopts the SuDS. This maintenance may be undertaken by any of the following bodies:

- Service management companies
- Individuals (site owners or residents)
- West Berkshire Council - will only maintain SuDS which they have adopted
- Water and sewerage companies - can maintain SuDS they have adopted.

What does maintenance of SuDS involve?

Regular maintenance (Daily or monthly activities)	Occasional maintenance (Frequency determined for each site)	Remedial maintenance
<ul style="list-style-type: none">• Inspections and reporting• Litter and debris removal• Grass cutting, weed and invasive plant control, shrub management• Sweeping pervious surfaces• Oil removal/cleaning and replacing filters in proprietary systems	<ul style="list-style-type: none">• Sediment removal• Vegetation and plant replacement	<ul style="list-style-type: none">• Structure rehabilitation and repair• Pervious surface rehabilitation and repair• Scarifying, spiking or air pressure treatment to increase infiltration capacity

The condition and performance of SuDS features can alter over time, and adaptive maintenance regimes may be required to ensure the drainage system continues to function as designed.

Maintenance records, including repairs and replacement should be retained for the entire life of the development, and made available at the request of the Lead Local Flood Authority.

Waste management

Disposal of waste such as litter, sediment, contaminants and vegetation from SuDS maintenance must be in accordance with the latest regulations and legislation.

SuDS Maintenance Plan

Different levels of detail will be required at Outline and Full application stage (see Sustainable Drainage Strategy validation checklists), but the maintenance plan should address the following questions:

- How will the SuDS system and components work?
- Which parts of the system are critical to the operation of the SuDS management train?
- Who will undertake the maintenance?
- What tasks will be required and how often?
- How will SuDS be monitored and maintained for the lifetime of the development?
- What are the access provisions for maintenance personnel and machinery?
- What are the potential failure mechanisms and how are these to be managed and minimised?
- What are the long-term costs and sustainability of the maintenance regime?
- How will waste disposal (litter, vegetation, sediment) be managed in accordance with legislation?
- Are there opportunities to involve the local community in maintenance?
- How will created habitats be maintained in favourable condition (e.g. cutting grassland swards for maximum diversity and timing of silt removal and vegetation cutting) without damaging the habitat or ecological balance?
- Should the maintenance regime change over time as habitats mature?

CIRIA (2015) The SuDS Manual (C753) - Chapter 32: Operation and Maintenance

CIRIA (2015) The SuDS Manual (C753) - Chapter 33: Waste management

Gov.uk website (live) Waste legislation and guidance

5.7 Principle 7: Adopt good practice in construction of SuDS

5.7.1 Overview

Good practice in the construction of SuDS is well-documented by existing guidance and should be followed in West Berkshire.

Delivery of Core Strategy
Policy CS15

5.7.2 Policy/standards

The current technical standards for SuDS construction set out in Defra's Non-Statutory Technical Standards for Sustainable Drainage Systems (2015) are minimum standards for West Berkshire.

- All materials specified within the SuDS design shall be of a suitable nature and quality for their intended use.
- SuDS components shall be designed to ensure structural integrity of the drainage system and adjacent structures over the design life of the development.
- The construction of any drainage connection shall not adversely affect the structural integrity and functionality of the existing sewer or drainage system. Any damages caused shall be rectified before the drainage system is completed.
- Temporary measures shall be agreed prior to the construction phase to ensure that flooding to the site and surrounding area does not occur prior to completion of the drainage system, and downstream pollution is avoided.

5.7.3 Supporting text

Prior to commencing construction, the [CIRIA Guidance on the construction of SuDS](#) should be consulted, to determine the general and SuDS component-specific requirements to be considered during construction.

Several construction factors influence the phasing of SuDS within larger development sites. As best practice, the drainage system should be completed and in good condition while the rest of the site works are underway. However, damage and erosion of SuDS components are key considerations, and in some cases, temporary drainage solutions are required during the site construction phases.

Particular issues relating to construction of SuDS include:

- Programming may be different from conventional drainage systems
- Access and storage areas – permeable pavements should be constructed at the end of the project to avoid degradation by construction activities
- Erosion and sediment control – in particular stabilising SuDS vegetation and protecting components from silt-laden construction runoff
- Maintaining good soil quality and structure
- Education of construction workers about the function of SuDS
- Protection of infiltration areas from compaction by site traffic
- Landscaping – consideration of soils and planting schemes

A construction method statement should be submitted with a full planning application.

CIRIA (2017) Guidance on the construction of SuDS (C768)
CIRIA (2015) The SuDS Manual (C753) - Chapter 31: Construction
CIRIA (2007) Site Handbook for the Construction of SuDS (C698)

5.8 Principle 8: Promote SuDS retro-fitting

5.8.1 Overview

Redevelopment and renovation of existing buildings can present many opportunities to retro-fit SuDS. The benefits of retro-fit SuDS can be similar to those in new developments, but may also include opportunities to improve existing drainage, reduce surface water flood risk in towns and villages and address existing water quality issues.

5.8.2 Policy/standard

Opportunities shall be taken to retro-fit SuDS into the redevelopment and renovation of existing buildings or sites.

5.8.3 Supporting text

Opportunities to retro-fit SuDS are most likely to be realised when they are considered early in any redevelopment or renovation plans. This may require close co-operation between developers, planners and risk management authorities, and could involve joint-funding. For example, retro-fitting a public area upstream of a development site could help to manage surface water runoff entering the site and enhance the existing neighbouring street-scene.

Redevelopments and refurbishments

When planning redevelopment or refurbishment which will not significantly change a site layout, consider opportunities to:

- Remove existing surface water connections from foul or combined sewers. This can also enable capacity within the foul or combined sewers to allow additional foul flows;
- Replace old, impermeably paved surfaces with permeable paving surfaces or connect them to new filter drains or bio-retention areas as part of re-landscaping;

Where front gardens are being converted for parking, use features such as pervious paving and raingardens to provide parking space without causing additional runoff onto the road.



A retro-fit opportunity for raingardens on a residential street (© JBA Consulting)

CIRIA (2012) Retro-fitting to manage surface water (C713)

6 Choosing the right SuDS

6.1 Introduction

SuDS can be implemented on **any** development site. Certain site conditions may require adjustments to design or the type of components used, but even the most challenging sites must integrate SuDS in some form. Development proposals will be regarded favourably for maximising benefits and including multi-use features, not just focussing on water quantity.

The following sections provide guidance on the most commonly raised site constraints and demonstrate how they can be overcome with good planning and design.

6.2 Flood risk

Flood risk can come from various sources: fluvial (river) flooding, pluvial (surface water) flooding, sewer systems and high groundwater levels. Despite the challenges which flooding can cause for development, it can also provide opportunities. Understanding the causes and impacts of flooding on a site can allow natural flow paths and flood extents to be harnessed and incorporated into the design.

Details of the relative flood risk across the district can be found within the [West Berkshire Level 1 Strategic Flood Risk Assessment \(2018\)](#).

6.2.1 Fluvial flood risk

Advice should be sought from the Environment Agency regarding fluvial flood risk on Main Rivers, and from the LLFA for fluvial risk from Ordinary Watercourses. A Flood Risk Assessment should be completed where necessary to ensure that the site is safe and does not increase flood risk elsewhere (e.g. compensation for loss of floodplain storage).

The National Planning Policy Framework (NPPF) and [West Berkshire Level 1 Strategic Flood Risk Assessment \(SFRA\)](#) provide full details of managing flood risk within development. The West Berkshire Level 1 SFRA also outlines the criteria for sites requiring a site-specific Flood Risk Assessment (FRA).

SuDS design considerations:

- Storage for runoff from the development in extreme events should be located out of the floodplain.
- Floodplain areas can provide treatment for more frequent events, as long as floodplain capacity is not reduced. The effects of modelled fluvial water levels, frequency, duration and velocities on performance of SuDS components, and the risk of damage by erosion should be considered.
- Design for a high groundwater table.
- Consider maintenance implications of silt deposition from a flood event.
- Design attenuation SuDS with a sufficient drain-down time (to half-empty within 24 hours) following a storm event to allow for it to receive runoff from subsequent events.

Gov.uk (website) Flood Risk for Planning Applications

CIRIA (2015) The SuDS Manual (C753) - Chapter 8: Designing for specific site conditions

6.2.2 Surface water and ordinary watercourse flood risk

Advice should be sought from WBC regarding flood risk from surface water and Ordinary Watercourses. Surface water flood risk may be identified using the [Environment Agency Risk of Flooding from Surface Water map](#) and the Critical Drainage Areas (CDAs) designated by WBC within the [SFRA](#). Flood risk from ordinary watercourses not shown in the Environment Agency Flood Zones map may also be indicated by this surface water mapping.

The identification of local surface water flood risk should not be a constraint, as well-designed SuDS can improve flood risk both on and off the site.

SuDS design considerations:

- Assess and design for additional surface water flows and volumes entering the site.
- Design for natural drainage pathways - existing surface water flow routes should be identified and integrated into the exceedance design for the site.
- Communication and collaboration with neighbouring land owners and stakeholders.

CIRIA (2015) The SuDS Manual (C753) - Chapter 8: Designing for specific site conditions

6.3 Groundwater

6.3.1 High groundwater levels

Site investigations, informed by local flooding incidents and WBC flood reports, should be undertaken to identify if the site is prone to high groundwater levels. Infiltration testing and groundwater monitoring should be undertaken throughout the winter months, and should take account of the wetness of that winter and also historic groundwater levels. High groundwater levels during extreme wet periods may render infiltration SuDS ineffective and pose a direct pollution risk to groundwater. If levels are very high, groundwater may enter the SuDS feature and reduce the storage capacity and structural integrity of the design.

SuDS design considerations:

- The base of an infiltration system should be located at least 1m above the likely maximum water table. Groundwater quality protection must be considered for infiltration SuDS where the seasonal water table is high.
- Avoid locating below-ground features such as tanks below the maximum groundwater level, as pressure loads are likely to be high.
- Shallow surface features such as swales, ponds and permeable pavements can be lined with an impermeable layer to isolate SuDS from groundwater.

A groundwater flood risk map is available in Appendix D of the [West Berkshire Level 1 SFRA \(2018\)](#), advice should be sought from the LLFA regarding areas at risk. On-site ground investigations are required prior to the design and construction of infiltration SuDS or deep storage features.

CIRIA (2015) The SuDS Manual (C753) - Chapter 8: Designing for specific site conditions

Environment Agency (2017) The Environment Agency's approach to groundwater protection - Position Statements G10, G13 and N10.

6.3.2 Discharges to groundwater and Source Protection Zones (SPZ)

The quality of discharges to groundwater are regulated by the Environment Agency. The document 'The Environment Agency's approach to groundwater protection' gives details of their position statements, and supports the use of a SuDS management train approach.

SPZs are designated to protect drinking water supply aquifers from pollution. For development in an SPZ1 which proposes infiltration SuDS for anything other than clean roof drainage, the Environment Agency will require a risk assessment to demonstrate that pollution of groundwater will not occur. There are 16 SPZ1s in West Berkshire.

The Source Protection Zone map can be found at <http://www.natureonthemap.naturalengland.org.uk/MagicMap.aspx>.

SuDS design considerations:

- Shallow surface features such as basins, swales, ponds and permeable paving can be lined with an impermeable layer to prevent infiltration.
- Provision of additional treatment stages or proprietary treatment systems to improve water quality before infiltration.

Environment Agency (2017) The Environment Agency's approach to groundwater protection.

6.4 Receiving surface waters

When planning a new outfall to a watercourse, or works to the bed or banks of a channel, a consent will be required.

- Works within 8m of a designated Main River will require a Flood Risk Activity Permit from the Environment Agency <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
- For all other watercourses, an Ordinary Watercourse Consent may be required from WBC as the Land Drainage Authority. Approval will be dependent on the impacts on adjacent land owners and future maintenance of the watercourse.
- For inland canals and navigable watercourses, the Canal and River Trust will consider discharge of uncontaminated surface water at suitable locations, although in the majority of situations, there is no obligation to accept discharges. The Trust undertakes a staged process to review the impact of all new or modified discharges to its network, in addition to any considerations that are made by the Environment Agency and/or the Local Planning Authority via the normal planning process. <https://canalrivertrust.org.uk/media/library/4505.pdf>

An Environmental Permit is not currently required to discharge uncontaminated runoff from public roads and small parking areas to surface water bodies, if it has been treated by a SuDS system.

SuDS design considerations:

- Provision of additional treatment stages or proprietary treatment systems to improve water quality.

6.5 Topography

6.5.1 Flat site

SuDS generally rely on gravity to transfer water around the site and meet outlet levels without being affected by downstream water levels, meaning flat sites can be problematic.

SuDS design considerations:

- Green roofs, rainwater capture and reuse and permeable paving can be used as normal on flat sites
- Keep water on the surface and use conveyance methods of kerbs, shallow rills and swales.
- Design should be based on small sub-catchments with storage and conveyance managed close to source. Hydraulic head will build up locally and push water out of the system.
- Pumped systems should only be used as a last resort where maintenance can be guaranteed.

6.5.2 Steep site

Steep slopes (>5%) can generate high flow velocities and pose problems of water by-passing drainage features, scour, erosion and in severe cases health and safety issues. Permeable paving becomes ineffective on steep gradients, and infiltrated water can re-emerge further downslope, causing slope instability.

SuDS design considerations:

- Green roofs, rainwater capture and reuse can be used as normal on steep sites.
- Features such as permeable paving, bioretention areas, swales and wetland can be terraced or designed to follow contours.
- Design should be based on small sub-catchments with storage and conveyance managed close to source.
- Erosion protection can be provided for steep conveyance features such as waterfalls, stones set into the bed of channels etc.
- Check dams can be placed in swales to slow velocities.
- Geotechnical investigations should be undertaken to make sure that infiltration will not cause instability.

CIRIA (2015) The SuDS Manual (C753) - Chapter 8: Designing for specific site conditions

6.6 Contaminated land

There are over 1300 potential contaminated sites in West Berkshire which have been prioritised by WBC in terms of the risk posed to humans and the wider environment ([West Berkshire Council, 2014](#)).

Water infiltrating through affected soils can mobilise contaminants and pose a pollution risk to groundwater. Excavation and disposal of contaminated soils is expensive, and SuDS may compromise remediation measures in place to protect residents from contamination. However contaminated land will not be accepted as a reason to exclude SuDS.

SuDS design considerations:

- Green roofs and rainwater capture and reuse can be used as normal on contaminated sites
- Seek early advice from a geo-environmental professional so that drainage design and remediation strategies for contamination can be integrated (e.g. capping layer can be extended beneath SuDS).
- Suitability of infiltration systems will depend on testing the leaching potential of contaminants. Infiltration may be possible at depth, below the contaminated layer. Alternatively, contaminated soil around soakaways can be removed and replaced.
- If infiltration is not possible, shallow surface features such as basins, swales, ponds and permeable pavements can be lined with an impermeable layer to prevent infiltration.
- Materials should be assessed for durability when exposed to contaminants (as for any other construction material in this situation).
- Use of shallow surface features can reduce the need to excavate contaminated ground.

CIRIA (2015) The SuDS Manual (C753) - Chapter 8: Designing for specific site conditions

6.7 Low permeability

Soils/geology with low permeability are often cited as a reason not to include SuDS, but in reality, almost all SuDS components can still be used, with some modifications.

SuDS design considerations:

- All SuDS except infiltration systems can be used on low permeability sites. Above ground components should be used to provide the required attenuation and treatment.
- Greenfield runoff rates tend to be high on low permeability geologies, so attenuation requirements should be more manageable.
- Permeable paving may require an underdrain.
- Infiltration may be possible at greater depth below a low permeability soil layer. The Environment Agency should be consulted on deep infiltration systems to ensure they will not have an adverse effect on groundwater.

CIRIA (2015) The SuDS Manual (C753) - Chapter 8: Designing for specific site conditions

6.8 High permeability or unstable geology

Large areas of West Berkshire are underlain by chalk geology. There is a potential for infiltration systems to cause solution of chalk over time, leading to sink holes or settlement of foundations at infilled solution features.

SuDS design considerations:

- Seek early advice from a geo-technical professional
- Place infiltration features at sufficient distance from foundations.

CIRIA (2015) The SuDS Manual (C753) - Chapter 8: Designing for specific site conditions
CIRIA (2002) Engineering in Chalk (C574)

6.9 Limited space

Brownfield developments may be restricted in terms of space or existing infrastructure. It may be perceived that site profitability will be reduced by the land-take associated with larger surface SuDS such as swales and ponds/wetlands.

There are a range of space-efficient SuDS techniques. Source control is a key concept, and opportunities can be maximised where strategic SuDS design is considered at an early stage and all available public and private space is utilised (e.g. verges, small pockets of grass or paving).

Incorporating SuDS into landscaping can significantly enhance the amenity value of brownfield sites for residents. High density housing will not be accepted as a reason to exclude SuDS.

Design considerations:

- Green roofs, rainwater capture and reuse, infiltration systems, permeable paving, bioretention areas, tree pits and micro-wetlands are all possible on space-restricted sites.
- Non-trafficked paved areas can be made permeable (pavements/footpaths, parking).
- Rills, channels and depressions can be built into the hardscape and planted to provide water features.
- Swales, filter strips, ponds and large wetlands are less suitable.
- Access to existing underground infrastructure, such as utilities, will need to be considered in the design.

“Opportunities for the creation of SuDS can be found in even the smallest of spaces, and a perceived lack of space is not a justifiable reason for not using SuDS”
CIRIA SuDS Manual (2015)
p.159

CIRIA (2015) The SuDS Manual (C753) - Chapter 10: Designing for the urban environment

6.10 Industrial sites / high pollution risk

Care must be taken when designing SuDS for some commercial and industrial sites, particularly where storage, handling or use of hazardous substances occurs (such as for example, garage forecourts, coach and lorry parks/turning areas and metal recycling/vehicle dismantling facilities).

Design considerations:

- Runoff from ‘safe’ areas (e.g. roofs or car parks) should be separated and drained through SuDS.
- SuDS such as swales, permeable paving and bioretention areas can be lined if there is a risk of contamination.
- Runoff from areas with a high risk of contamination from hazardous substances should be separated, contained and dealt with as industrial waste.
- Discharges of surface water run-off to ground at pollutant storage sites are likely to require an environmental permit from the Environment Agency. The site will be subject to risk assessment and provision of acceptable effluent treatment.

Environment Agency (2017) The Environment Agency’s approach to groundwater protection.

6.11 Protected habitats

There are large numbers of designated sites and watercourses in West Berkshire, and SuDS designers should be aware of their species and habitat needs.

Developments within an SSSI Impact Risk Zone should liaise with Natural England, as receiving waters are likely have environmental designations (SSSI, SAC etc.). SSSI Impact Risk Zones and all other environmental designation areas can be viewed on the [Natural England website](#). The Local Planning Authority is required to consult Natural England within these areas.

6.12 Small/Minor developments

SuDS can and should be incorporated in all developments, including smaller developments and extensions/renovations.

Advice and information for smaller developments is available in this document and from WBC (see Minor Applications Sustainable Drainage Strategy validation checklist).

Much of the advice relating to space-restricted developments (see Section 6.9) can also be applied to minor development and renovations. There are opportunities to install source control SuDS in any small project:

- Green roofs and trees can add biodiversity value on small areas (and can be used by the resident, for example for garden storage, if roof design allows).
- Roof runoff can be routed through small SuDS features such as bioretention areas (also known as rain gardens), rills and micro-wetlands in the garden to slow runoff and provide biodiversity and amenity value before discharging to soakaway or surface water sewer.
- Areas of hardstanding such as parking areas can be fitted with permeable paving or gravel to slow runoff and improve water quality.

6.13 Health and safety considerations

Designers have responsibilities under the Construction (Design and Maintenance) Regulations 2015 (CDM) to eliminate, reduce or control foreseeable risks during construction, maintenance and use of a structure.

As SuDS are no more hazardous than natural waterbodies, health and safety concerns are not accepted as a reason for their exclusion in development. Potential health and safety risks can be overcome through good SuDS design, and should be balanced against the benefits for health and well-being. Public perception of risk can be addressed through community engagement and education.

CIRIA (2015) The SuDS Manual (C753) - Chapter 36: Health and Safety

CIRIA (2013) The SuDS Manual Update (RP992): Health and safety principles for SuDS: framework and checklists.

6.14 Affordability

The costs of SuDS are generally lower than conventional piped and tanked drainage (Defra, 2011). Where SuDS are integrated into the design at an early stage, they become part of the above-ground landscaping and building design, and there is less need for expensive hard-engineered solutions, such as over-sized pipes and underground storage.

Full lifetime costs should be taken into account. SuDS generally have low maintenance costs over their lifetime, with surface features like swales able to be maintained within landscape maintenance contracts. However, the costs of replacing/refurbishing permeable paving can be high.

The multiple benefits of SuDS should not be underestimated when assessing costs and benefits, as they can make SuDS schemes attractive to other organisations, who may be able to offer partnership funding opportunities and engage local communities.

SuDS design considerations:

- Consider SuDS design at an early stage and consult with all stakeholders to identify funding opportunities.
- Prioritise source control and surface systems to avoid hard-engineered and deep excavated solutions.
- Choose low maintenance designs, which can be maintained under standard landscaping contracts.

- Deal with waste on-site.
- Involve the community in maintenance.
- Fully assess the wider benefits when evaluating a SuDS scheme (e.g. CIRIA SuDS Manual Table 35.1, CIRIA B&EST Evaluation Tool)

CIRIA (2015) The SuDS Manual (C753) - Chapter 35: Costs and benefits

UK SuDS website costing tool www.uksuds.com/

CIRIA B&EST Evaluation Tool

7 Evaluation and approval

SuDS designs are submitted, evaluated and approved through the planning system. The decision-making process and the roles of those involved are detailed below.

7.1 Responsibilities

Developer

- Provides a brief to the designer
- Arranges the future adoption and maintenance of SuDS

Designer

- Undertakes master-planning, pre-application and application submission, including drainage designs.
- Satisfies the needs of the developer but also meets the requirements of Council planning policy and the NPPF, following good practice.

Planners / SuDS Approving Officer

- Receives and validates application using checklist
- Passes application to consultees
- Approves application
- Approves future maintenance arrangements.

Statutory and non-statutory consultees

- Consultation and advice on the planning application

7.2 How will the SuDS design be evaluated?

7.2.1 Evaluation

The checklists provided are designed to help applicants provide the required documents and evidence first time, ensuring a smooth progression through the planning process. Engaging in pre-application discussions, following the advice given and using the checklists will facilitate our evaluation at outline or full application stage.

The SuDS scheme will be evaluated against all relevant Council policies, SPDs and guidance using the appropriate checklist. Where the scheme does not meet any one of these requirements, an explanation will be required.

The evaluation will cover:

- The provision of multiple benefits and meeting of other Council policy objectives.
- The appropriateness of the scheme design and choice of management train components.
- Performance against West Berkshire's technical standards as outlined in this document.
- Meeting requirements for adoption by WBC (if appropriate, e.g. highways and public spaces).
- Provision of plans for future adoption and maintenance by other parties.

7.2.2 Consultation

Statutory consultees must be consulted where appropriate conditions apply, for example:

- West Berkshire LLFA - Consult on SuDS design and flood risk from Ordinary Watercourses, surface water, groundwater. West Berkshire LLFA is a statutory consultee on surface water drainage proposals for all Major developments, including

both greenfield and brownfield development (Department for Communities and Local Government (DCLG), 2014).

- Environment Agency - Consult on flood risk within Flood Zones 2 and 3, discharge of surface water to Main Rivers, Critical Drainage Areas and infiltration in Source Protection Zones.
- Highway Authority - Consult if SuDS will impact on adopted public highways or if discharge of surface water to highway drainage is proposed.
- Natural England – Consult if the development is likely to impact on an environmentally designated site.
- Canal and River Trust - Consult for direct advice during the preliminary design stages to determine whether the development is likely to impact on an inland waterway or Canal and River Trust assets.
- Sewerage undertaker (Thames Water) – Consult if there is a proposal to discharge surface water into the public sewer network.

Whilst not compulsory, consultation with other organisations and groups is beneficial, to gain further understanding of the implications and considerations in planning for SuDS. Recommended non-statutory consultees include:

- Berks, Bucks and Oxon Wildlife Trust (BBOWT)
- River Kennet and Pang Catchment Partnership Groups
- RSPB
- Fisheries Trust
- Local communities - Parish Councils, community flood groups etc.

7.2.3 Decision making

WBC as LLFA will assess the suitability of the proposed SuDS scheme. The decision will take into consideration the extent to which the Sustainable Drainage Strategy has complied with the requirements outlined in this SPD, along with current best practice and standards.

As LLFA, West Berkshire Council has a duty to ensure that development does not increase flood risk. It is therefore very unlikely that approval will be given to any applications that do not include SuDS, especially in areas susceptible to surface water and groundwater flooding.

Following the SuDS Checklist from an early stage should ensure that the proposal complies with our requirements.

7.2.4 Recording and registering SuDS

WBC will record all SuDS schemes on its asset register and may designate them as flood risk assets under the FWMA (2010). The importance of maintaining them must then be recorded on property deeds and maintenance plans. Once approved, the developer must provide the LLFA with the following for the purposes of registering the scheme:

- As-built drawings of the SuDS scheme.
- List and GIS shapefiles of adoptable SuDS
- GIS layer showing the site boundary, geo-referenced to the Ordnance Survey British National Grid.

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Minor Applications Sustainable Drainage Strategy validation checklist



1 Site details

Site name	
Site location and coordinates	
Site description	
Total site area	
Greenfield/previously developed?	
Existing impermeable area	
Proposed impermeable area	
Type of development	

The checklists should be completed by the applicant for developments of 3 to 9 dwellings and submitted as an appendix to the sustainable drainage strategy for the relevant planning application.

Completion notes:

This checklist covers both Outline and Full application requirements. Requirements have been colour coded as to whether they are needed at both Outline and Full stage, or at Full stage only. For those required at both, the level of detail expected will be higher for the Full application than the Outline.

Level of assessment	Detail required
Outline and Full	Requirement applies at both Outline and Full application stage to an appropriate level of detail.
Full only	Requirement applies at full application stage only

2 Plans and drawings

Plans and drawings will be required appropriate to the level of application (Outline/Full) and the size of the development.

	Evidence required	Format	Submitted? ✓ ✗
	Site location (minimum 1:2,500 scale)	Plan	
	Existing drainage layout	Plan, drawing	
	Proposed sustainable drainage layout	Plan, drawing	
	Topographical survey of the site	Plan, drawing	
	Detailed drainage layout (minimum scale 1:500)	Drawing	

3 Design statement

A design statement will be required appropriate to the level of application (Outline/Full) and the size of the development. Requirements relate to the policies within Section 4 of the SPD, and are listed by Principle.

Evidence required	Format of evidence	Submitted? ✓ X
Principle 1: Replicate natural drainage and manage water quantity		
SuDS principles		
Assessment of natural drainage patterns and existing drainage infrastructure (e.g. capacity, condition).	Report	
Surface water is used as a resource, where appropriate (e.g. rainwater harvesting).	Report	
Justification of drainage discharge destination, following the discharge hierarchy. If discharge to a surface water sewer is proposed, details of agreed connection with sewerage undertaker are provided.	Report	
Management of runoff and volumes		
Peak runoff rate from the development for the following events does not exceed peak greenfield runoff rate for the same event: <ul style="list-style-type: none"> • 1 in 1 year • 1 in 100-year If not achievable, evidence must be provided and a suitable rate agreed with the LLFA.	Report calculations	
Runoff volume from the development for the 1 in 100-year, 6-hour rainfall event is limited to the greenfield runoff volume for the same event. If not achievable, any additional volume is dealt with through the provision of Long-Term Storage and discharged from the site at a suitable rate agreed with the LLFA.	Report, calculations	
Climate change (+40% uplift on rainfall estimates) been considered in post development calculations	Report, calculations	
Design of each SuDS element has been undertaken in accordance with good practice.	Report	
Details provided of connections to other drainage systems and between SuDS components, keeping water close to the surface.	Report, drawings, calculations	
Infiltration		
Infiltration assessment demonstrating feasibility (if infiltration is proposed)	Report	
Flood risk		
All significant SuDS components are located outside any areas of significant flood risk.	Report, plan	
The SuDS system will not increase flood risk to the site or adjacent properties.	Report, calculations	
Principle 2: Improve water quality		
Treatment of runoff		
Surface water is adequately treated within the site.	Report, calculations	
Principle 3: Promote and encourage biodiversity		
Habitat provision		

The system is on the surface and contains vegetated components.		Report, plans	
The drainage system will support, protect and enhance natural local habitats and species.		Report	
Principle 4: Enhance the landscape			
Visual impact			
The drainage scheme enhances the visual character of the development.		Report, plans, photographs	
Principle 5: Make development future-proof			
Climate change			
Use of SuDS in moderating of temperatures through evaporative cooling, reflectance and shading has been exploited		Report	
Principle 6: Engage and benefit the local community			
Opportunities to enhance provision for recreation, health and wellbeing, education and play			
Where the drainage system serves more than one property, communal space is used in a beneficial way for the community.		Report	
The proposed components are safe for any proposed amenity use.		Report	

4 Maintenance and construction

Maintenance plans and construction method statements will be required appropriate to the level of application (Outline/Full) and the size of the development. Requirements relate to the policies within Section 4 of the SPD, and are listed by Principle.

Evidence Required		Format of evidence	Submitted? ✓ X
Principle 7: Ensure that SuDS are maintained for the lifetime of the development			
Operation and Maintenance			
Maintenance Plan for the proposed drainage system over its lifetime (100 years for residential, 60 years for commercial)		Report	
Whole life maintenance and monitoring costs for the proposed drainage system (100 years for residential, 60 years for commercial)		Report	
Evidence that the proposed components safe to construct, maintain and operate.		Report	
Principle 8: Adopting good practice in construction of SuDS			
Consents			
Record of all necessary consents obtained for on or off-site works		Certificate or letter/email correspondence	

5 Adoption arrangements

Evidence Required	Format of evidence	Submitted? ✓ ✗
Adoption		
Demonstrate that provision has been made for a suitable organisation or individual to adopt the scheme, including relevant evidence of commitments.	Report, letter/email correspondence	
Records		
As-constructed drawings of drainage system	Detailed drawings	
Record of easement agreements	Report, letter/email correspondence	
Record of commuted sums	Report, letter/email correspondence	

Major Applications Sustainable Drainage Strategy validation checklist



1 Site details

Site name	
Site location and coordinates	
Site description	
Total site area	
Greenfield/previously developed?	
Existing impermeable area	
Proposed impermeable area	
Type of development	

The checklists should be completed by the applicant and submitted as an appendix to the Sustainable Drainage Strategy for the relevant planning application. Failure to provide any of the requested information below may result in delays to the application, and the Lead Local Flood Authority (LLFA) making recommendation for refusal of the planning application on grounds of insufficient information.

Completion notes:

This checklist covers both Outline and Full application requirements. Requirements have been colour coded as to whether they are needed at both Outline and Full stage, or at Full stage only. For those required at both, the level of detail expected will be higher for the Full application than the Outline.

Level of assessment	Detail required
Outline and Full	Requirement applies at both Outline and Full application stage to an appropriate level of detail.
Full only	Requirement applies at full application stage only

2 Plans and drawings

Plans and drawings will be required appropriate to the level of application (Outline/Full) and the size of the development.

	Evidence Required	Format	Submitted? ✓ X
	Site location (minimum 1:2,500 scale)	Plan	
	Existing drainage layout	Plan, drawing	
	Proposed sustainable drainage layout	Plan, drawing	
	Plan of conveyance and exceedance routes	Plan, drawing	
	Location of storage areas on the site	Plan, drawing	
	Topographical survey of the site	Plan, drawing	
	Detailed drainage layout (minimum scale 1:500)	Drawing	
	Long sections and cross sections of the designed drainage system, including levels and gradients	Drawing	

3 Design statement

A design statement will be required appropriate to the level of application (Outline/Full) and the size of the development. Requirements relate to the policies within Section 4 of the SPD, and are listed by Principle.

Evidence required	Format of evidence	Submitted? ✓ ✗
Principle 1: Replicate natural drainage and manage water quantity		
SuDS principles		
Assessment of natural drainage patterns and existing drainage infrastructure (e.g. capacity, condition).	Report	
Surface water is used as a resource, where appropriate (e.g. rainwater harvesting).	Report	
Design follows the Management Train approach.	Report	
Justification of drainage discharge destination, following the discharge hierarchy. If discharge to a surface water sewer is proposed, details of agreed connection with sewerage undertaker are provided.	Report	
Management of runoff and volumes		
Acceptable pre-and post-development runoff/volume estimation methodology (in-line with Table 24.1, CIRIA SuDS Manual), including details of any assumptions made.	Calculations	
Allowance for 'urban creep' (in line with Table 5-1 of SuDS SPD) in post-development calculations.	Calculations	
Allowance of +40% uplift on rainfall estimates for climate change in post development calculations	Calculations	
<p>Peak runoff rate from the development for the following events does not exceed peak greenfield runoff rate for the same event:</p> <ul style="list-style-type: none"> • 1 in 1 year • 1 in 100-year <p>If not achievable, evidence must be provided and a suitable rate agreed with the LLFA.</p>	Report, calculations	
<p>Runoff volume from the development for the 1 in 100-year, 6-hour rainfall event is limited to the greenfield runoff volume for the same event.</p> <p>If not achievable, any additional volume is dealt with through the provision of Long-Term Storage and discharged from the site at a suitable rate agreed with the LLFA.</p>	Report, calculations	
Details of method used to restrict discharge rates from the site.	Report, calculations	
Safe exceedance routes are provided for rainfall in excess of a 1 in 100-year, 6-hour event (considering urban creep and 40% climate change).	Report, calculations	
Components are designed to drain down within a suitable timescale (e.g. half-empty 24 hours after a storm event).	Report, calculations	
Design of each SuDS element has been undertaken in accordance with good practice.	Report	

Evidence required	Format of evidence	Submitted? ✓ ✗
Details provided of connections to other drainage systems and between SuDS components, keeping water close to the surface.	Report, drawings, calculations	
Infiltration		
Infiltration assessment, groundwater monitoring and ground stability reports (if infiltration is proposed).	Report	
Flood risk		
All significant SuDS components are located outside any areas of significant flood risk.	Report, plan	
SuDS system does not: <ul style="list-style-type: none"> • flood on any part of the site for a 1 in 30-year rainfall event • flood any building or utility plant within the development during the 1 in 100-year plus climate change rainfall event • increase flood risk to adjacent properties. 	Report, calculations	
Principle 2: Improve water quality		
Treatment of runoff		
An appropriate treatment strategy has been provided for the pollution hazard level of the development.	Report	
Runoff does not occur on-site for the majority of small rainfall events (first 5mm rainfall depth).	Report, calculations	
Runoff is treated to an acceptable standard within the site, in accordance with the SuDS management train approach.	Report, calculations	
Principle 3: Promote and encourage biodiversity		
Habitat provision		
The system is on the surface, contains visible vegetated components, and will form part of the local green infrastructure.	Report, plans	
The drainage system will support, protect and enhance natural local habitats and species.	Report	
Principle 4: Enhance the landscape		
Visual impact		
The drainage scheme integrates water into the landscape design, and enhances the visual character of the development.	Report, plans, photographs	
Conservation of landscape and heritage		
The proposed scheme conserves any existing cultural, historical and landscape features.	Report, plans, photographs	
Principle 5: Make development future-proof		
Climate change		
Use of SuDS in moderating of temperatures through evaporative cooling, reflectance and shading has been exploited	Report	
Principle 6: Engage and benefit the local community		
Amenity		

Evidence required		Format of evidence	Submitted? ✓ X
Opportunities have been taken to provide recreation and promote education, health and wellbeing.		Report	
The proposed drainage components are safe for any proposed amenity use.		Report	
Community engagement			
Engagement with existing and new communities and awareness raising within design proposals.		Report	

4 Maintenance and construction

Maintenance plans and construction method statements will be required appropriate to the level of application (Outline/Full) and the size of the development. Requirements relate to the policies within Section 4 of the SPD, and are listed by Principle.

Evidence Required		Format of evidence	Submitted? ✓ X
Principle 7: Ensure that SuDS are maintained for the lifetime of the development			
Operation and Maintenance			
Maintenance Plan covers the proposed drainage system over its lifetime (100 years for residential, 60 years for commercial)		Report	
The SuDS design is low maintenance. If pumping is required for operation of the system, evidence that all other possible alternatives have been considered.		Report	
Whole life maintenance and monitoring costs provided for the proposed drainage system (100 years for residential, 60 years for commercial).		Report	
Acceptable operation and maintenance costs for the adopting body (including any pumping requirements)		Report, letter/email correspondence	
Designed drainage system components are robust and resilient.		Report	
Principle 8: Adopt good practice in construction of SuDS			
Construction			
Suitable construction method statement.		Report	
Record of all necessary consents obtained for on or off-site works.		Certificate or letter/email correspondence	
Proposed materials are of a suitable nature and quality for their intended use.		Report	
The proposed components are safe to construct, maintain and operate.		Report	
Agreed temporary measures are in place to prevent flooding to the site and surrounding area prior to completion of the drainage system.		Report	

5 Adoption arrangements

Evidence Required	Format of evidence	Submitted? ✓ ✗
Adoption		
A suitable organisation or individual will adopt the scheme. Include relevant evidence of commitments.	Report, letter/email correspondence	
Health and Safety		
Health and Safety plan.	Report	
Records		
As-constructed drawings of drainage system.	Detailed drawings	
CCTV Survey Report (for underground features at the end of the maintenance period).	Survey report, photographs	
Record of easement agreements.	Report, letter/email correspondence	
Record of commuted sums.	Report, letter/email correspondence	

Cover photos: Courtesy of © Susdrain /
SuDS at Greener Grangetown in Cardiff Summer 2018 (Courtesy susdrain/CIRIA)
www.susdrain.org/resources/images.html

If you require this information in an alternative format or translation, please contact Planning & Countryside on Telephone 01635 551111.

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