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# Proposed Main Modifications to the Housing Site Allocations Development Plan Document (HSA DPD) – Supporting Information

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## 1. Introduction/Background

- 1.1 The Housing Site Allocations Development Plan Document (HSA DPD) is currently being independently examined by a Planning Inspector appointed by the Secretary of State. The Inspector's role is to assess whether the DPD has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements and whether it is sound (positively prepared, justified, effective and consistent with national policy). If the Inspector concludes that the Housing Site Allocations DPD is sound and meets the necessary tests, it can then be adopted by Council and will form part of the Local Plan for the District.
- 1.2 The Inspector is examining the DPD as it was submitted to the Secretary of State on 6<sup>th</sup> April 2016. Examination hearing sessions were held in June and July 2016 to discuss a number of issues upon which the Inspector required clarification. The purpose of the discussions at the hearings was for the Inspector, the Council and participants to gain the fullest possible understanding of any Main Modifications that may be required to make the DPD sound and legally compliant. The Council was then invited by the Inspector to make a formal request under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended) for him to recommend Main Modifications to the DPD. The Council made this formal request on 2<sup>nd</sup> September 2016.
- 1.3 During the hearing sessions, the Inspector asked the Council to undertake additional work on a number of issues. This work was completed in August 2016 and was submitted to the Inspector at the beginning of September. The Inspector then sought additional comments on this work from those participants who attended the relevant hearing sessions.
- 1.4 Based on the outcomes of the hearing sessions and the additional work undertaken, the Inspector issued his preliminary findings on 17<sup>th</sup> October 2016. The findings are without prejudice to his final report but set out the Main Modifications he considers are required in order to make the DPD sound.
- 1.5 In many cases it is the Council that has proposed the Main Modifications but in some cases the Inspector has amended or added to them in order to make the DPD capable of adoption. These Main Modifications usually consist of redrafted text, the omission of a policy or section of text (or the inclusion of a new one).
- 1.6 It is important that any proposed Main Modifications do not undermine, or possibly undermine, the sustainability process that has informed the preparation of the DPD. The Council has therefore updated the SA/SEA Report (Appendix C ii) and Habitats Regulations Assessment (Appendix C iii), both of which accompany the DPD.

## **2. Supporting Information**

- 2.1 The Council adopted its Core Strategy in July 2012. This sets out a housing requirement for the District of 'at least' 10,500 dwellings from 2006-2026. The Core Strategy sets out an overall spatial strategy to accommodate this level of housing across the District and in addition it allocates two large strategic sites in Newbury (Newbury Racecourse and Sandlesford Park).
- 2.2 Whilst the Core Strategy allocates strategic development and sets out strategic policies, it only forms one part of the Local Plan. There is therefore a requirement to prepare additional document/s to allocate non-strategic housing sites across the District and to allocate sites for Gypsies, Travellers and Travelling Showpeople.
- 2.3 The major part of the HSA DPD is the site allocations for housing. The purpose of the HSA DPD is to allocate smaller (non-strategic in scale and function) extensions to settlements within the settlement hierarchy in accordance with the spatial strategy of the adopted West Berkshire Core Strategy. It is a regulatory requirement of the HSA DPD to be in general conformity with the Core Strategy.
- 2.4 The opportunity is being taken to update some policies as part of this process, namely those related to development in the countryside and residential parking standards.
- 2.5 The DPD is prepared in a series of stages and information about these is set out in the Statement of Consultation which accompanied the DPD when it was submitted to the Secretary of State on 6<sup>th</sup> April 2016. This sets out the key issues raised through the consultation and the Council's response to these issues. The consultations have resulted in a significant number of comments, which have been fully considered as part of the process.

## **3. Proposals**

- 3.1 The HSA DPD is currently being independently examined by a Planning Inspector appointed by the Secretary of State. The Inspector's role is to assess whether the DPD has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements and whether it is sound (positively prepared, justified, effective and consistent with national policy). If the Inspector concludes that the Housing Site Allocations DPD is sound and meets the necessary tests, it can then be adopted by Council and will form part of the Local Plan for the District.
- 3.2 The Inspector is examining the DPD as it was submitted to the Secretary of State on 6<sup>th</sup> April 2016. Examination hearing sessions were held in June and July 2016 to discuss a number of issues upon which the Inspector required clarification. The purpose of the discussions at the hearings was for the Inspector, the Council and participants to gain the fullest possible understanding of any Main Modifications that may be required to make the DPD sound and legally compliant. The Council was then invited by the Inspector to make a formal request under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended) for him to recommend Main Modifications to the DPD. The Council made this formal request on 2<sup>nd</sup> September 2016.
- 3.3 During the hearing sessions, the Inspector asked the Council to undertake additional work on a number of issues. This work was completed in August 2016

and was submitted to the Inspector at the beginning of September. The Inspector then sought additional comments on this work from those participants who attended the relevant hearing sessions.

- 3.4 Based on the outcomes of the hearing sessions and the additional work undertaken, the Inspector issued his preliminary findings on 17<sup>th</sup> October 2016. The findings are without prejudice to his final report but set out the Main Modifications he considers are required in order to make the DPD sound.
- 3.5 In many cases it is the Council that has proposed the Main Modifications but in some cases the Inspector has amended or added to them in order to make the DPD capable of adoption. These Main Modifications usually consist of redrafted text, the omission of a policy or section of text (or the inclusion of a new one). As far as the housing sites are concerned, other than the Main Modifications already put forward by the Council, the Inspector has not proposed the inclusion of any additional housing sites, nor has he identified any sites which should be removed from the DPD.
- 3.6 It is important that any proposed Main Modifications do not undermine, or possibly undermine, the sustainability process that has informed the preparation of the DPD. The Council has therefore updated the SA/SEA Report and Habitats Regulations Assessment, both of which accompany the DPD.

#### **4. Schedule of Proposed Main Modifications**

- 4.1 The proposed Main Modifications are set out as a schedule in Appendix Ci with either the conventional form of strikethrough for deletions and underlining for additions of text. The main changes are summarised as follows:
- To set out the role of the DPD, its relationship to the Core Strategy and its time frame by clarifying the DPD is a daughter document to the Core Strategy, that it covers the period 2006-2026 and that it does not reassess the housing requirement of ‘at least’ 10,500 new additional dwellings per annum set out in the Core Strategy. The Strategic Housing Market Assessment, and what the future requirement should be, will be considered as part of the preparation of the new Local Plan. This will allocate additional development and will look longer term to 2036, as well as dealing with other policy issues.
  - To clarify the Council’s approach to development within the AONB by including the windfall allowance in the first five years of the plan period only. Core Strategy Policy ADPP5 says that provision will be made for the delivery of “up to 2,000” dwellings over the plan period. As at March 2016, 1,230 homes had already been completed in the spatial area and 200 units had planning permission. The HSA DPD allocates approximately a further 385 dwellings in the AONB. If the DPD is adopted, specific provision will therefore have been made for the delivery of 1,815 units in accordance with bullet point 1 of ADPP5. A windfall allowance has also been assumed of 251 between 2016 and 2026. If this is correct, this would then result in the completion of more than 2,000 dwellings in the AONB. Should this windfall allowance be shown only for the first five years, as in the other spatial areas, the total anticipated completions for the AONB to 2026 would be slightly over 1,900 units. As a new Local Plan is due to be adopted in 2019, the spatial strategy would by that time have been reviewed anyway.

- To clarify that the DPD has only reviewed the settlement boundaries for those settlements within the settlement hierarchy set out in the Core Strategy. All settlement boundaries will be reviewed through the preparation of the new Local Plan.
- To clarify that the Council will support communities wishing to develop a Neighbourhood Plan. Any Neighbourhood Plans coming forward following the adoption of this DPD will help to boost the supply of housing across the District, adding additional flexibility. Any future allocations and housing requirements for Neighbourhood Plans to deliver will be considered as part of the new Local Plan.
- To make specific changes to policies dealing with individual housing sites, including the clarification of developable areas and the development potential of some sites. The most significant of these are:
  - (a) the removal of Policy HSA14 North Lakeside, Theale and redrawing the settlement boundary of Theale around the whole of the Lakeside site. The southern portion of the site already has an extant planning permission for residential development and inclusion of the whole site would help to enable a comprehensive scheme which takes account of the nature and character of the area.
  - (b) to increase the developable area of site ref:THE009 land between the A340 and The Green, Theale (Policy HSA 15) from 2.3 hectares to 3.4 hectares and increase the development potential of the site from approximately 70 dwellings to approximately 100 dwellings.
  - (c) to increase the developable area of site ref:EUA025 land adjacent to Junction 12 of M4, Bath Road, Calcot (Policy HSA 12) from 1.7 hectares to approximately 4 hectares and increase the development potential of the site from approximately 100 dwellings to between 150 and 200 dwellings.
  - (d) the removal of Policy TS3 relating to Clappers Farm Area of Search, Beech Hill (site ref:GTTS6). The DPD sets out the provision of Gypsy, Traveller and Travelling Showpeople pitches over a 15 year period based on the Gypsy and Traveller Accommodation Assessment (GTAA) prepared for the Council in 2014. Following a change in the government's revised 'Planning Policy for Traveller Sites (2015)' of the definition of Gypsies and Travellers the consultants who carried out the GTAA have confirmed that they are not confident that the GTAA could now be fully relied upon as a reflection of need. Whilst the evidence for the short term remains reasonably robust, the evidence is now too uncertain and is not robust for the later part of the plan period. The evidence is now not sufficient to support the Clappers Farm Area of Search, Policy TS3 whose pitches were not profiled to be needed until later in the plan period, after 2021.
- To make specific changes to some settlement boundaries, the most significant of which are:

- (e) to delete the proposed inclusion of Green Lane within the settlement boundary of Chieveley. Whilst Green Lane is functionally part of Chieveley its character in the south relates more to the open countryside rather than the main settlement area. Any future review of the settlement boundary in this location would take place as part of the new Local Plan.
  - (f) to include the properties at Hermitage Green within the settlement boundary of Hermitage. These properties were already included on the map for Hermitage but had been omitted within the text.
- To clarify that there is a presumption in favour of development and redevelopment within the settlement boundaries of Burghfield, Curridge, Donnington, Eddington, Upper Bucklebury and Wickham. These settlements had been erroneously omitted from Policy C1 at the submission stage.
  - To clarify Policy C1 that the circumstances where new dwellings in the countryside can be permitted will include limited infill in settlements in the countryside with no defined boundary.
  - To clarify that Policy C5 does not apply to the existing educational and institutional establishments within the rural area of West Berkshire. The policy provisions for new development associated with these establishments are set out in saved policy ENV.27 of the West Berkshire District Local Plan.
  - To clarify Policy P1, parking standards in relation to new development, with regard to visitor spaces for flats and reduce the requirement for two bed flats in Zone 1 to one space per dwelling in line with two bed houses in this zone.

## **5. Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA)**

- 5.1 The Planning and Compulsory Purchase Act 2004 requires a Sustainability Appraisal (SA) and a Strategic Environmental Assessment (SEA) to be carried out for all DPDs. Both of these appraisals can be carried out in one appraisal process. In order to avoid any confusion, all references to the SA will refer to both the SA and the SEA.
- 5.2 The objective of the SA is to promote sustainable development through the integration of social, environmental and economic considerations in the preparation of new or revised DPDs. The SA focuses on the significant sustainability effects of the DPD and considers alternatives that take into account the social, environmental and economic objectives and the geographical scope of the documents.
- 5.3 The proposed Main Modifications have been reviewed and the SA/SEA updated where required. The updated SA/SEA is attached as Appendix C ii. For ease of reference, the changes made since the submission of the DPD are shown with purple underlined text with deletions crossed through.
- 5.4 The proposed Main Modifications have not resulted in any significant changes to the outcome of the SA/SEA and are not considered to impact on the overall sustainability of the DPD.

## 6. Habitats Regulations Assessment

- 6.1 European legislation and government regulations mean that a Habitats Regulations Assessment (HRA) needs to be carried out for the DPD, in order to protect the integrity of internationally important nature conservation sites. These sites, collectively known as Natura 2000 sites include Special Areas of Conservation (SACs) and Special Protection Area (SPAs).
- 6.2 The HRA assesses the likely impacts of the policies of the DPD and possible ‘in combination’ effects with other policies and proposals.
- 6.3 The proposed Main Modifications have been reviewed and the HRA updated where required. An addendum to the submission HRA Screening Report (April 2016) has been produced which considers the Main Modifications to the DPD. It also takes into account the proposed minor changes necessary to improve the clarity of the document, correct factual information, and correct typographical errors. The addendum is attached as Appendix C iii. The proposed Main Modifications have not resulted in any significant changes to the outcome of the HRA and are not considered to impact on the overall integrity of internationally important nature conservation sites.

## 7. Duty to Cooperate

- 7.1 Section 110 of the Localism Act places a legal duty on local planning authorities and other prescribed bodies to cooperate with each other when preparing development plan documents in order to address strategic planning issues relevant to their areas. Failure to satisfy the Duty will mean that plans cannot be adopted as a Planning Inspector cannot make Main Modifications to remedy this through the examination process. The Examination also assesses how effective cooperation has been as one of the tests of soundness. Work on satisfying the Duty has been ongoing throughout the preparation of the DPD. A Duty to Cooperate Statement accompanied the HSA DPD when it was submitted to the Secretary of State on 6<sup>th</sup> April 2016. This explains how the Council has carried out the Duty throughout the preparation of the DPD.

## 8. Next steps

- 8.1 Any proposed Main Modifications to the DPD require consultation in accordance with Section 20 (7c) of the Planning and Compulsory Purchase Act 2004 (as amended). If Council approves the Schedule of Proposed Main Modifications consultation will take place for a 7 week period from 12 December 2016 to 30 January 2017. Copies of the Schedule will be made available for inspection on the Council’s website together with:
- a Schedule of Proposed Main Modifications to the DPD setting out the changes being proposed by the Council in order to address issues of “soundness” identified by the Planning Inspector during the examination process;
  - an updated Sustainability Appraisal and an updated Habitats Regulations Assessment.
- 8.2 The Council will also publish a Schedule of Proposed Minor Changes comprising modifications of a minor nature to update the DPD, to correct errors and to provide

clarification in interpreting the policies of the DPD. This is not subject to public consultation and so will not be considered by the Inspector, but will be published for information.

- 8.3 Following the consultation the Council will be able to make a brief written response to any submissions received. All submissions and the Council’s response will then be sent to the Inspector so that he can prepare his final report. If the Inspector concludes that the HSA DPD is sound and meets the necessary tests, it can then be adopted by the Council and form part of the Local Plan for the District.

## **9. Conclusion**

- 9.1 As set out earlier, in many cases it is the Council that has proposed the Main Modifications but in some cases the Inspector has amended or added to them in order to make the DPD capable of adoption. None of the proposed Main Modifications are considered to be significant or would cause concern for the Authority. All relate to issues that were discussed at the hearing sessions.
- 9.2 If the main modifications are approved by Council a seven week period of consultation will be held between 12 December 2016 and 30 January 2017 in accordance with the Council’s adopted Statement of Community Involvement. As this is a regulatory period of consultation, views will be sought on the ‘soundness’ of the proposed main modifications.

## **10. Consultation and Engagement**

- 10.1 Consultation is a key part of the preparation of the DPD and provides important evidence to help to inform decision making. Consultation has taken place at each stage of the preparation of the DPD in accordance with the Council’s adopted Statement of Community Involvement. In addition, a Statement of Consultation accompanied the DPD when it was submitted to the Secretary of State on 6<sup>th</sup> April 2016.
- 10.2 The proposed Main Modifications outlined in this report will require consultation in accordance with Section 20 (7c) of the Planning and Compulsory Purchase Act 2004 (as amended). This consultation will take place for seven weeks between 12 December 2016 and 30 January 2017. The responses received will then be considered by the Inspector in the preparation of his final report.

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### **Background Papers:**

West Berkshire Core Strategy 2006 to 2026  
West Berkshire Statement of Community Involvement (as amended Jan 2015)  
HSA DPD Duty to Cooperate Statement (April 2016)  
HSA DPD Statement of Consultation (April 2016)

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### **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

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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

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**Wards affected:**

All

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**Strategic Aims and Priorities Supported:**

The proposals will help achieve the following Council Strategy aims:

- SLE – A stronger local economy**
- HQL – Maintain a high quality of life within our communities**

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- SLE1 – Enable the completion of more affordable housing**
- 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 aims and priorities by: the DPD will bring forward sites for development across the District, boosting the supply of housing and enabling the delivery of affordable housing. This will also help support the local economy and enable the provision of infrastructure that is planned in a coordinated way.

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