

# **Extraordinary meeting of West Berkshire District Council**

**Tuesday 19 December 2023**

***Summons and Agenda***

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To: All Members of the Council

*You are requested to attend an extraordinary  
meeting of*

**WEST BERKSHIRE DISTRICT COUNCIL**

*to be held in the*

**COUNCIL OFFICES, MARKET STREET,  
NEWBURY**

on

**Tuesday 19 December 2023**

**at 7.00pm**



Sarah Clarke  
Service Director – Strategy & Governance  
West Berkshire District Council

Date of despatch of Agenda: Monday 11 December 2023

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## **AGENDA**

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### **Part I**

1. **APOLOGIES FOR ABSENCE**

To receive apologies for inability to attend the meeting (if any). **(Pages 5 - 6)**

2. **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](#). **(Pages 7 - 8)**



**WestBerkshire**  
C O U N C I L

**3. WITHDRAWAL OF LOCAL PLAN REVIEW (C4478)**

Purpose: The purpose of this report is to approve the withdrawal of the West Berkshire Local Plan Review 2022-2039 (LPR) which was submitted to the Secretary of State on 31 March 2023.

The report outlines the current Administration's concerns about the strategic approach of the LPR in planning for new development in the District. These concerns were submitted by the Liberal Democrat Group (in opposition) through the Regulation 19 consultation. The report explains these concerns which cannot be addressed within the context of the current LPR and therefore, the need for the Council to develop a new local plan with an alternative spatial strategy to deliver new development.

The implications and risks associated with the withdrawal of the Local Plan Review in respect of appeals and unplanned development and the associated costs are addressed in the report. This also outlines the process and financial cost of delivering an alternative new local plan. **(Pages 9 - 88)**

**4. CREATION OF SERVICE DIRECTOR FOR CHILDREN'S SOCIAL CARE AND SERVICE DIRECTOR FOR EDUCATION AND SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (C4481)**

Purpose: It is crucial that the Council has sufficient capacity at senior level to continue the operations of the organisation and can fulfil statutory responsibilities and respond to challenges that face the Council. The changes to our services, expectations of our customers & partners, and the workings of the Council have all changed significantly in recent years. The increasing level of demand and complexity of need, pace of change, accessibility and availability of current and potential services, and latest inspection frameworks place new and increasing demands from children and families on the Council.

The senior management structure of the Council has been subject to a variety of reviews over recent years. This report's purpose is to set out the proposed senior management structure across the Council, and focussing on children's services, with greater resilience in Children's Services (People Directorate) to respond to the challenges facing Social Care, SEND (Special Educational Needs & Disabilities) and Education. As part of the SMR 2019 report, a decision on the Heads of Service posts in Education and Children's Services was to be made in the future, as the original report had a single joint Service Director for Children and Young People.

The proposed structure will bring Children's services in line with the wider council senior directorate structures, and appendix B(i) has the latest Council senior management structure appended. **(Pages 89 - 116)**



**5. UPDATE ON THE APPOINTMENT OF AND ALLOCATION OF SEATS ON COMMITTEES FOR THE 2023/24 MUNICIPAL YEAR (C4477)**

Purpose: At the Annual Meeting of Council which took place on the 25 May 2023, Council considered and approved a report detailing the allocation and appointment of seats on Committees.

The Council has a duty under section 15 of the Local Government Housing Act 1989, to review the allocation of seats as soon as practicable following any change to the groups. Following the formation of a new political group, known as the Minority Group, this report proposes a number of changes to the allocation of seats and appointments to Committees. **(Pages 117 - 124)**

If you require this information in a different format or translation, please contact Stephen Chard on telephone 01635 519462.



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## **Item 1 – Apologies for Absence**

Verbal Item

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## **Item 2 – Declarations of Interest**

Verbal Item

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## Withdrawal of Local Plan Review

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<b>Committee considering report:</b>	Extraordinary Council
<b>Date of Committee:</b>	19 December 2023
<b>Portfolio Member:</b>	Councillor Tony Vickers
<b>Report Author:</b>	Clare Lawrence
<b>Forward Plan Ref:</b>	C4478

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### 1 Purpose of the Report

- 1.1 The purpose of this report is to approve the withdrawal of the West Berkshire Local Plan Review 2022-2039 (LPR) which was submitted to the Secretary of State on 31 March 2023.
- 1.2 The report outlines the current Administration's concerns about the strategic approach of the LPR in planning for new development in the District. These concerns were submitted by the Liberal Democrat Group (in opposition) through the Regulation 19 consultation. The report explains these concerns which cannot be addressed within the context of the current LPR and therefore, the need for the Council to develop a new local plan with an alternative spatial strategy to deliver new development.
- 1.3 The implications and risks associated with the withdrawal of the Local Plan Review in respect of appeals and unplanned development and the associated costs are addressed in the report. This also outlines the process and financial cost of delivering an alternative new local plan.

### 2 Recommendations

- 2.1 In view of the Administration's objections to the spatial strategy adopted by the LPR and other objections set out in its submission to the Regulation 19 consultation, it is recommended:
  - (a) To withdraw the submitted Local Plan Review 2022-2039; and
  - (b) To begin preparations for developing a new Local Plan for West Berkshire that reflects the aspirations of the Administration to plan positively for new development in the District.

### 3 Implications and Impact Assessment

Implication	Commentary
<p><b>Financial:</b></p>	<p>In 2023/24 there was an additional £300k one off revenue budget for cost of the examination, but as a result in the delay to the examination, these costs have not been fully realised in year. As part of the 2024/25 budget build, an investment bid of £250k is proposed (subject to approval) for the examination in 2024/25.</p> <p>The immediate costs associated with withdrawal of the LPR not progressing through to Examination will be £210k in 2023/24. Any unspent budget in 2023/24 will not be carried forward into 2024/25. If additional costs will be incurred in 2024/25 then the proposed investment bid will need to be increased accordingly.</p> <p>The cost of developing a new Local Plan is estimated at £1.6m spread over a number of years dependant on the timescale agreed for its preparation (as set out in 5.10 and excludes additional staffing costs). Some of these costs (£250k) to the Council will be offset by not progressing the current LPR through to the hearing stage of the Examination (some legal/ Inspectorate costs and venue costs)</p> <p>The local plan withdrawal is likely to lead to speculative planning applications and subsequent appeals resulting in significant additional expenditure. A major appeal is estimated to cost the Council approximately £250-300k to defend with the possibility of any award of costs against the authority as well although it is unclear the number of major appeals that will be submitted.</p> <p>The costs of starting the Plan afresh and defending planning appeals have been identified as risks in the draft budget for 2024/25. This will be kept under review, although the bulk of the expenditure is likely to occur in the 2025/26 financial year as planning applications progress through determination to appeal and a new evidence base is commissioned.</p> <p>The Council would need to ensure that vacant posts within the Planning Policy team are filled and in a difficult recruitment market, this may result in additional costs due to agency staff. Additional posts across the service may also be needed to resource the existing work programme, a new Local Plan and an anticipated increase in major planning applications and planning appeals. The cost to the Council of processing a single major appeal (based on Sandford) which includes</p>

**Withdrawal of Local Plan Review**

	<p>internal consultees, legal services, external consultees and a Barrister is estimated to be £250- 300k.</p>
<p><b>Human Resource:</b></p>	<p>The Planning Service is currently running a vacancy rate of 30%. Irrespective of the outcome of the decision to withdraw the LPR, recruitment to vacant posts will be necessary to resource the existing work programme, progress the Examination or prepare a new Local Plan. However, additional resourcing over and above the existing staffing structure may be required if the plan is withdrawn especially if the timescale for production of the new Local Plan is expediated.</p> <p>As the withdrawal of the LPR could result in additional speculative planning applications and appeals, the Development Management Team will need to be fully resourced in a difficult market to recruit planners. This may result in additional agency staffing costs to fully staff the team. There may also be a requirement for additional resource over establishment posts to deal with additional major applications and appeals.</p> <p>The production of a new local Plan will impact on the education, housing, transport policy, highways, environment and legal teams in the Council as they will need to be involved in the production of the new Local Plan and accompanying evidence base in addition to supporting the determination and likely activity associated with speculative planning applications.</p>
<p><b>Legal:</b></p>	<p>The Local Plan Review was submitted under Planning and Compulsory Purchase Act 2004 and Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations (as amended).</p> <p>Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Plans and alterations which together comprises the Development Plan are not the responsibility of the Executive (Schedule 3 (1)). Therefore, any decision to withdraw the LPR must be an action of Council (Reg 4 (4)).</p> <p>The Council has sought external legal advice to understand if the Administration’s concerns can be addressed in the current LPR but this has confirmed that this is not possible due to the LPR evidence base.</p> <p>The risks have been identified below in paragraph 4.2</p>

<b>Risk Management:</b>	<p>There are significant risks associated with the proposal as set out in the report, including the likelihood that withdrawal of the Plan could result in the submission of multiple speculative planning applications for housing development across the district, with the cost of the appeals and the risk of approvals being granted on appeal in isolated or unconnected locations. There is also a risk that with the decision taken out of the Council's control, the quality and necessary infrastructure would be reduced.</p> <p>The Council's current requirement for housing is 513 homes per year. If a new plan is developed, there would be an increase of the amount of housing that would need to be planned for in the plan period of 15 year as the timescale of the plan would be extended due to period to produce a new plan. Therefore, greater numbers above the current LPR would need to be allocated.</p> <p>Delays are likely to undermine the Council's ability to demonstrate a 5-year housing land supply and will lead to further speculative planning applications and appeals.</p>			
<b>Property:</b>	The proposal has no property related issues.			
<b>Policy:</b>	The proposal relates to both national and local planning policy, including that set out in the recently enacted Levelling Up and Regeneration Act (LURA) and the National Planning Policy Framework (NPPF - revised version expected imminently).			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		The submitted LPR contains a number of policies outlining the approach to provision for Gypsies and Travellers (G&T). The loss of these policies may impact the Council's ability to support and manage G&T needs.

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<p><b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?</p>		x		<p>The submitted LPR contains a number of policies outlining the approach to G&amp;T. The loss of these policies may impact the Council's ability to support and manage G&amp;T needs reverting back to Core Strategy 2012 G&amp;T policies. However, the impact is reported as neutral as the Council will progress with a G&amp;T Local Plan to ensure that sites are allocated and policies adopted to shape G&amp;T development.</p>
<p><b>Environmental Impact:</b></p>			X	<p>The submitted LPR contains a number of policies to support the Council's environmental objectives in light of the declaration of a Climate Emergency. Removing these detailed policies would create a gap between of the Council Strategy and operational delivery. If the LPR is withdrawn, the policy position will revert to the existing development framework and (revised) NPPF. While this policy framework addresses environmental issues, they do not address these at a local level.</p>
<p><b>Health Impact:</b></p>			X	<p>The submitted LPR contains a number of policies to support public health and these will not carry any weight once the LPR is withdrawn and the policy position will revert to the existing development framework and (revised) NPPF. This could undermine the ability of the Council to positively plan for health and well-being at a local level.</p>
<p><b>ICT Impact:</b></p>		x		<p>New software for running the local plan consultations would need to be procured, as the existing system Objective licence expires in 2025 but this would be required irrespective of the LPR position.</p>
<p><b>Digital Services Impact:</b></p>		X		

<b>Council Strategy Priorities:</b>	X			<p>The proposal supports Strategic Priority Area 4: Prosperous &amp; Resilient West Berkshire.</p> <p><b>4.12.</b> Local plan revised to make sure that major new housing developments come with suitable infrastructure and enhanced amenities to properly support them.</p>
<b>Core Business:</b>		X		
<b>Data Impact:</b>		X		
<b>Consultation and Engagement:</b>	<p>There has been extensive consultation with stakeholders and the community at the Regulation 18 and 19 stages of preparation of the Local Plan Review.</p> <p>In respect of this report, the following teams have been consulted:</p> <ul style="list-style-type: none"> <li>• Finance</li> <li>• Legal</li> </ul>			

## 4 Executive Summary

- 4.1 In light of the change in Administration in May 2023, two months after the Local Plan Review (LPR) was submitted for examination, this report seeks Council agreement to withdraw the plan which is scheduled for Examination in 2024. The Administration’s objection to the strategic spatial approach in the submitted Plan is set out in the report together with the other objections submitted by the current Administration during the Regulation 19 public consultation which ran from 20 January 2023 to 3 March 2023. These objections form the basis for withdrawal of the plan (Appendix B).
- 4.2 The report sets out the background, to the preparation and submission of the LPR to the Planning Inspectorate for Examination. It also sets out that the Council has sought to address the Administration’s concerns including seeking external legal advice but this has not been possible in the context of the current LPR due to the evidence base. The Administration’s position following the local elections in May 2023 is that whilst it is supportive of new development and a great number of the wider policies in the Plan, it considers that the spatial approach to concentrate a significant amount of development in a single large allocation in Thatcham and two sites in Theale will have a negative impact on the towns and wider District, and that the level of infrastructure provision associated with this does not support its current objectives. The report goes on to set out the implications and risks associated with the withdrawal of the Plan as follows:

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- New legislation (LURA) has resulted in a cut-off date 30 June 2025 for plans prepared under the existing planning system so a new local plan must be developed under the new system post 2025. Details of which are still to be made public, and this timescale cannot be met for the preparation of a new local plan in the context of the existing system.
- A new plan could cost the Council £1.6M and under the new legislation take up to 30 months to prepare. However, this will be partly offset by £250k as a result of not progressing with the Examination of the LPR.
- Implications of 2-year delay increases the need for an extra 1026 homes (over the extra two years) in a new local plan. Together with the removal of a large allocated site, this will require a different strategic approach with wider parts of the district impacted by new development and potentially a new evidence base to support the proposals.
- Planning appeals relating to sites allocated in the local plan are highly likely which would be more difficult to defend given the evidence base.
- In addition to staff in the Planning service, significant numbers of officers across the Council would be impacted by a rise in the number of planning appeals requiring to be defended: education, housing, transport, highways, environment and legal teams.
- Planning applications and appeals are highly likely to be submitted relating to unallocated sites which could be considered more favourable if the plan does not progress.
- Removal of a plan led system and the lack of policies in an up-to-date plan undermines the ability of the Council to manage development positively to secure quality development and infrastructure delivery.
- Undermining the 5 Year Housing Land Supply resulting in the potential for further speculative applications and appeals.
- Lack of 5 years protection afforded by an up-to-date local plan against speculative applications in unsuitable locations.
- Cost of appeals approximately £300k per major appeal (not including any award of costs against the authority).
- The Secretary of State for Levelling Up, Housing and Communities (DLUHC) may intervene in the decision to withdraw the plan.

4.3 The Administration has a stated objective to take all available steps to change the flawed local plan submitted to the Planning Inspectorate. However, in the context of the Regulation 18 and 19 consultation and evidence base developed to support the plan, external legal advice has confirmed that it is not possible to change the plan to meet the aspirations of the Administration.

- 4.4 The current Administration is not against new development and recognises the benefits of this to drive the local economy and prosperity of the District. However, it considers that development should be based on a different strategic spatial strategy. This would mean less of a focus on large site allocations adjacent to existing settlement boundaries and more focus on re-use of brownfield land within existing settlements and a more flexible approach to development in other areas including the countryside. Such a change would require significant additional consultation and revisions to the submitted evidence base. For example, a redistribution of development would require further additional traffic and air quality monitoring to be undertaken as the receptors, impacts and mitigations will be different. Therefore, the withdrawal of the LPR and development of a new plan that is in line with the Administration's aspirations is recommended.

## 5 Supporting Information

### Introduction and Background

- 5.1 The West Berkshire Local Plan Review 2022-2039 (LPR) sets out the Council's vision, objectives, and spatial planning strategy for West Berkshire up to 2039. It also includes strategic policies which set out the overarching principles for development, non-strategic site allocations, and development management policies to provide more detail on specific issues. The focus is to concentrate new development in existing built-up locations and allocated sites. Outside of these locations, development is not supported in principle unless there are exceptional circumstances to protect the landscape quality of the district.
- 5.2 The LPR was submitted to the Secretary of State for Levelling Up, Housing and Communities on 31 March 2023. Prior to that, the Administration (in opposition) had made representations objecting to the Plan and requesting changes. During the local elections held in May 2023, the Administration spoke to many in the local community who did not support the spatial approach of the LPR. This along with similar views expressed by those town and parish councils most impacted by the approach, informed its commitment to take all available steps to change the local plan. This position is set against the Administration remaining committed to many of the detailed policies of the Plan covering design, the environment and economic matters.
- 5.3 The extent and detail of the Administration's objections are set out in the Regulation 19 Submission (Appendix B). In light of these objections, the Administration is of the view that it is unable to support the current LPR and is not committed to the delivery of the plan going forward. A summary of the Administration's position and changes being sought within the submitted LPR in relation to the spatial strategy (Policies SP1; DM1; SP12; SP17; SP20; SP21) are set out below: -
- Reduced focus on large scale residential allocations in greenfield locations adjacent to existing settlements, specifically in North East Thatcham;
  - Better provision of infrastructure to support new housing development in North East Thatcham, specifically for secondary education, highways and primary health care;
  - More focus on re-use of brownfield land within existing settlements to reduce the demand to use greenfield locations;
  - A more flexible approach to development within flood zones;



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- A more flexible approach to development in the countryside to meet the needs of rural businesses and communities ('Viable Villages' approach);
  - Re-purposing underused/ utilised brownfield locations such as Newbury Showground for employment purposes to minimise the impact and/or regenerate existing employment areas.
- 5.4 The Secretary of State appointed an independent Planning Inspector to examine the Plan and consider the objections raised. Following the local elections in May 2023, the Council responded to the Inspector's Preliminary and Supplementary questions but requested time to allow the Administration to review its position on the Local Plan Review. This resulted in the provisional timescale for the examination hearings being rescheduled, expected in late Spring/ Summer 2024.
- 5.5 During this period Council officers have worked to look at options to address the objections raised by the Administration to the LPR. This has included work to review the sites submitted through the Call for Sites process to understand if alternative sites could be allocated to enable the North East Thatcham allocation to be reduced. However, in line with the spatial strategy developed through the Regulation 18 and 19 stages of the plan, it has been concluded that this approach could not be supported by the evidence base submitted to the Inspector. The Council has also worked to develop the detail of the infrastructure that could be delivered to support the North East Thatcham allocation, but it is considered that this would not overcome the objections set out in the Administration's response to the Regulation 19 consultation.
- 5.6 The Inspector recently published the Matters, Issues and Questions which will form the basis for the examination with deadlines for the submission of statements by the Council and objectors. Further information about the examination may be found on the [examination website](#).

## Proposal

- 5.7 The proposal is to withdraw the West Berkshire Local Plan Review 2022-2039 which was submitted to the Secretary of State on 31 March 2023. This proposal is in line with the Administration's objections to the plan which were put forward when in Opposition as set out in their Regulation 19 representations (attached as Appendix B). The withdrawal of the Local Plan Review will in turn lead to the withdrawal of its associated evidence base. However, parts of this will remain relevant as background information both, for development management purposes and future planning policy.
- 5.8 Regulation 27 of the Town and Country Planning (Local Development) (England) Regulations 2012 allows for the LPR to be withdrawn provided that as soon as is reasonably practical, a statement of the fact is published on its website, the relevant consultation bodies are informed and all documents relating to the Plan except the statement are no longer made available.
- 5.9 The proposal is also to begin preparing for the development of a new Local Plan for West Berkshire. The Council is supportive of many of the policies in the LPR and of new development but the Administration considers that the current LPR allocations will have an unacceptable impact on certain parts of the District due to the high concentration of development allocated and the lack of infrastructure provision. It wishes to plan for new development to meet its aspirations to serve the needs of the District to drive prosperity.

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5.10 It is recognised that the timing is unfortunate as the process and procedures of the new local plan system remain to be defined by Central Government. In order to progress a local development plan it is necessary to produce a draft, have evidence to support what is proposed, undertake a meaningful consultation and have the proposal independently examined at a public examination. It is proposed to begin preparing the evidence base to reflect the Administration's ambitions for a new spatial strategy set in a new local plan, in anticipation of the new regulations being clarified during 2024/25.

## Financial Implications

5.11 The revenue cost of the examination has been budgeted for in 2023/2024, but as a result in delays in examination the cost has been included in the draft budget for 2024/25. The immediate costs associated with withdrawal of the LPR not progressing through to Examination will be approximately £20k in 2023//25. Any in year underspend of the Planning Policy Budget in 2023/24 (estimated at £200K) will help ease in-year budget pressures. The draft budget for 2024/25 has a provisional £250K associated with the examination.

5.12 The cost of developing a new Local Plan is estimated at approximately £1.6m which will be spread over several years, with significant additional expenditure needed to defend planning decisions at appeal (see below). Some of these costs to the Council (£250k) will be offset through not progressing the LPR (some legal costs and the venue cost of the Examination).

5.13 It is currently estimated that to produce a new local plan, the following costs would be incurred. However, some of the costs below will be incurred by the Council in progressing with the current LPR. These are set out in the financial section of the report above which states that £250k has been allocated in the draft budget for 2024/25 to progress through the examination stage of the LPR. Therefore, the net impact of the withdrawal of the LPR will be approximately £1,350m.

### Evidence Base

Economic Growth	£250,000
Environment	£425,000
Housing	£95,000
Place	£300,000
Heritage/Conservation	£125,000

### Examination

Legal	£150,000
Planning Inspectorate	£150,000
Administration	£65,000
Venue	£40,000

£1,600,000

- 5.14 The costs of starting the Plan afresh have been identified as risks in the draft budget for 2024/25 (£250K). However, the expenditure is likely to be significantly greater due to the need to start afresh with a Regulation 18 consultation in respect of a different strategic spatial approach and to develop a new evidence base to support this. The costs have been estimated using the current evidence base which underpins the LPR but this does not take into account the proposed standardised evidence base that has been suggested will be contained in the planning reforms. Details of this are yet to be defined by Central Government. Therefore, depending on the new process, the cost could reduce but there is uncertainty in this respect and inflation may offset any reduction. To deliver a new local plan at pace, additional staffing resources will be required. The resource needed to prepare and submit the existing LPR to the timetable required by the previous administration required 7 additional staff to cover existing vacancies, and temporary staff at a total cost of £171,570.
- 5.15 It is highly likely that planning applications will be submitted for allocated sites that are included in the LPR. Also, while developers may submit applications for unallocated LPR sites, it is more likely that they will submit these due to the lack of an up to date plan following the withdrawal of the LPR. The North East Thatcham Consortium has already indicated that a planning application for the area in the LPR will be submitted in mid 2024. Two other sites in Thatcham which are not allocated in the LPR are also expressing interest in progressing with their proposals. If these or similar applications on proposed allocated sites are refused by the Council, defending any subsequent appeal would cost in the region of £300k per major appeal (not including the potential for the award of costs against the Council for unreasonable behaviour). The Council would also need to ensure that there is adequate resource within the Development Management Service and across other teams in the Council to address major applications and appeals. The level of resource is dependent on the number of applications and appeals submitted and some costs may be recoverable through Planning Performance Agreements. However, there are existing vacancies across Planning that would need to be recruited to in addition to at least one extra officer in the Policy team at Principal level with an additional cost of £60k per annum plus on costs (total £80k+).
- 5.16 The costs defending planning appeals have been identified as risks in the draft budget for 2024/25 (£300K). The bulk of the expenditure is likely to occur in the 2025/26 financial year if planning applications are submitted for both LPR allocations and non-allocated sites and progress through determination to appeal.

## Risks & Issues

- 5.17 As the approach of the Administration to plan positively for development will require an alternative spatial strategy, the withdrawal of the LPR is necessary. However, this does present significant risks to the Council. The first is 'planning by appeal'. Planning applications for sites proposed to be allocated in the Plan are highly likely to come forward as demonstrated by the North East Thatcham Consortia which has confirmed its intention to submit an application in mid 2024. Other developers have also confirmed that they are preparing to submit applications. As the current evidence base for the Local Plan Review supports these proposals in principle, it will be difficult for the Council to substantiate refusal against the principle of development. If allowed at appeal, the

## Withdrawal of Local Plan Review

Council will have limited control over the development reducing the quality and infrastructure provision. This results from having no up to date with planning policies and reduced ability to negotiate the quality of proposals. There are 25 residential and 6 employment allocated sites in the submitted Local Plan and there are additional sites being promoted which were previously rejected for inclusion on environmental and other grounds as set out in the detailed Housing and Employment Land Availability Assessments (HELAA).

- 5.18 The second risk is significant delay in reaching a point at which a new Plan can be adopted. The current Local Plan (Core Strategy) was adopted in 2012 and, whilst a sibling document (Housing Sites Allocations) was adopted in 2017, the Core Strategy comes to an end in 2026. The withdrawal of the LPR and the time delay to prepare an alternative Plan will increase the need for housing to be allocated in any new Plan. For example, a further two-year delay will result in the need to plan for an additional 1,026 homes, i.e. there is a housing requirement of 513 houses per annum. This is on the basis that the local plan must have a lifespan of 15 years at the point when it is adopted and the longer it takes leading up to adoption the more development is required.
- 5.19 The Levelling Up and Regeneration Act (26<sup>th</sup> October 2023) proposes a new, streamlined plan-making process but there is currently no detail about how this will be achieved as the detailed regulations have yet to be published by Central Government. Furthermore, the revised National Planning Policy Framework has also not yet been published. The deadline for submitting a Plan under the current procedures is June 2025. It will not be possible for the Council to make this deadline, given that a new strategy will require significant changes to the evidence base (such as a new transport assessment) and various stages of formal and informal consultation (under the existing legislation it would require both a Regulation 18 and Regulation 19 consultation).
- 5.20 The new regulations suggest that local plans will take 30 months to produce, but without guidance on the proposed standardised evidence any new Local Plan may be delayed, further increasing the housing need, and risking the District's 5 Year housing land supply. This would increase the risk of speculative development and more 'planning by appeal' as inappropriate development is promoted. The 5-year protection from speculative development afforded by the new system for having an up-to-date local plan would not exist. Appeals would remove the Council's ability to control the location, quality of development and infrastructure provision secured through new development. A further delay due to the new system would also increase the Council's housing requirements to be accommodated in any new Local Plan.
- 5.21 The submitted Local Plan Review includes a number of policies designed to manage development proposals including mitigating the Climate Change Emergency and addressing public health requirements. These proposed policies will not carry any weight when determining planning applications once the LPR is withdrawn and the policy position will revert to the existing Local Plan and/ or national policy. However, this may be mitigated by the introduction of National Development Policies which are due to be published next year for consultation as part of revised national policy.
- 5.22 Section 27 of the Planning and Compulsory Purchase Act 2004 sets out the powers of the Secretary of State to intervene and require that the process including the examination goes ahead. This has happened most recently in September 2023 to Spelthorne Borough Council and in November 2023 to Erewash Borough Council, when

the Secretary of State (SoS) intervened just before the Full Council meetings took place to prevent the Council's from withdrawing their Local Plans. External legal advice received by Spelthorne Borough Council has confirmed that the SoS has the power to intervene and to instruct that the local plan process progresses. Council officers have been contacted on several occasions by Department Levelling Up Housing and Communities (DLUHC) checking on progress with the Plan.

## 6 Other options considered

### Do nothing and allow examination to proceed

- 6.1 This would mean the Council continues with the LPR as submitted. Responses to the Inspector's Matters, Issues and Questions would be submitted by the Council and objectors, the public hearings would take place, and the Inspector would consider any changes that might be needed to the Plan. Any main modifications to the submitted Plan would need to go out to formal public consultation and the Inspector would consider any representations on these before issuing his final report. If the Plan is found to be sound, it would need to be formally adopted by Full Council before coming into effect.
- 6.2 This option conflicts with the Administration's aspirations as set out in their Regulation 19 submission (Appendix B).

## 7 Conclusion

- 7.1 The Local Plan Review was submitted for independent examination in March 2023, prior to local elections in May.
- 7.2 The Administration is not against new development and recognises the benefits of this to drive the local economy and prosperity of the District. It also sees merit in many of the current detailed design, environmental and economic policies. However, having listened to residents and town and parish councils impacted by the LPR, it considers that development should be based on a different strategic spatial strategy.
- 7.3 This would mean less of a focus on large site allocations adjacent to existing settlement boundaries and more focus on re-use of brownfield land within existing settlements and a more flexible approach to development in other areas including the countryside.
- 7.4 There are significant risks to the Council as set out in the report. However, in view of the Administration's stated objections to the LPR, the recommendation is to withdraw the Plan and begin work on a new one to align with the new local plan system.

## 8 Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Regulation 19 Submission on draft Local Plan Review

**Background Papers:**

Background papers may be viewed on the [examination website](#)

**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 Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

**Wards affected:** All wards

**Officer details:**

Name: Clare Lawrence  
 Job Title: Executive Director Place

**Document Control**

<b>Document Ref:</b>		<b>Date Created:</b>	23/11/23
<b>Version:</b>	1.2	<b>Date Modified:</b>	30/11/23
<b>Author:</b>	Katharine Makant		
<b>Owning Service</b>	Planning & Economy		

**Change History**

Version	Date	Description	Change ID
1.3	01/12/23	Changes from EO and JM	BL
1.4	01/12/23	Changes EO, JM, CL	BL

## Appendix A

### Equality Impact Assessment (EqIA) - Stage One

<b>What is the proposed decision that you are asking the Executive to make:</b>	To withdraw the West Berkshire Local Plan Review 2022-2039 (LPR) which was submitted to the Secretary of State on 31 March 2023; and to begin work on developing a new Local Plan for West Berkshire.
<b>Summary of relevant legislation:</b>	
<b>Does the proposed decision conflict with any of the Council's priorities for improvement?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Name of Budget Holder:</b>	Katharine Makant (from 8/12/23)
<b>Name of Service/Directorate:</b>	Planning
<b>Name of assessor:</b>	Katharine Makant
<b>Date of assessment:</b>	04/12/23
<b>Version and release date (if applicable):</b>	

Is this a .... ?		Is this policy, strategy, function or service ... ?	
Policy	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	New or proposed	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Strategy	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Already exists and is being reviewed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Function	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is changing	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Service	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

(1) What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
<b>Aims:</b>	To withdraw the West Berkshire Local Plan Review 2022-2039 (LPR) which was submitted to the Secretary of State on 31 March 2023
<b>Objectives:</b>	To begin work on developing a new Local Plan for West Berkshire.
<b>Outcomes:</b>	A new Local Plan

<b>Benefits:</b>	A Local Plan that reflects the aspirations of the administration and the residents of West Berkshire
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**(2) Which groups might be affected and how? Is it positively or negatively and what sources of information have been used to determine this?**

Group Affected	What might be the effect?	Information to support this
Age		
Disability	N/A	
Gender Reassignment	N/A	
Marriage and Civil Partnership	N/A	
Pregnancy and Maternity	N/A	
Race	<p>The West Berkshire Local Plan Review (sLPR) is supported by the EqIA Summary in January 2023. Table 1 summaries the positive impact that the LPR would bring to West Berkshire. The withdrawal of the sLPR would move these from positive to neutral with the possible exception of Race. Gypsies and Travellers are a protected characteristic and the withdrawal of RSA24, RSA25 and DM20. Without the positive allocation of new pitches the Council will not be able to demonstrate a five year land supply for this community.</p> <p>Furthermore, the detailed policy for this community will also be lost in relation to the determination of planning permissions. It is/was proposed to do a separate G &amp; T Local Plan and the call for sites in relation to this document is currently</p>	<p>WBDC sLPR EqIA Jan 2023 WBDC LDS</p>



**Withdrawal of Local Plan Review**

	underway. It is not yet known if work on this LP needs to stop or can carry on independently from the sLPR,	
Religion or Belief	N/A	
Sex	N/A	
Sexual Orientation	N/A	
<b>Further Comments:</b>		
The decision potentially impacts a group with protected characteristics but only if work on the G & T Local Plan is halted because of the withdrawal of the sLPR. If the G & T LP continues then this risk will not be realised. Therefore, a Stage 2 EqIA is not required since the risk is mitigated by the commitment to continue work on the G & T Local Plan as set out in the Local Development Schedule.		

<b>(3) Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
The proposed decision potentially impacts a group with protected characteristics but only if work on the G & T Local Plan is halted because of the withdrawal of the sLPR. If the G & T LP continues then this risk will not be realised	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
The proposed decision potentially impacts a group with protected characteristics but only if work on the G & T Local Plan is halted because of the withdrawal of the sLPR. If the G & T LP continues then this risk will not be realised	
<b>(4) Identify next steps as appropriate:</b>	
<b>EqIA Stage 2 required</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Owner of EqIA Stage Two:</b>	
<b>Timescale for EqIA Stage Two:</b>	

**Name:** Katharine Makant

**Date:** 04/12/23

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Local Plan Regulation 19 covering letter to Inspector (copy to Chief Exec, Director Place (incoming) and Head of Planning (not to Tory portfolio holder)

To whom it may concern:

**West Berkshire District Local Plan Regulation 19 Submission Draft**

As Leader of the main Opposition Group on West Berkshire Council and with the support of my entire Group, I am writing to point out the unusual situation in this Council, and as such the Local Planning Authority in whose name you are being sent our draft Local Plan for Examination in Public.

The Council is due to hold all-out elections on 4<sup>th</sup> May and therefore enters the statutory "Pre-Election Period" during which - from the formal Calling Notice on Friday 24<sup>th</sup> March until the first meeting of the Full Council after the election currently scheduled for Friday 25<sup>th</sup> May – no political decision can be made.

In the outgoing Council at this time, there are 24 Conservatives, 16 Liberal Democrats and 3 Green Party Members. It is widely expected that there will be a change in administration.

We would respectfully ask that you consider our response to the Regulation 19 submission draft new Local Plan for 2026-39 in the light of this situation.

We have had to submit our responses to Regulation 19 by 3<sup>rd</sup> March. We had called on 2<sup>nd</sup> February for an Extraordinary Meeting of Council, which the Chairman arranged to be held following the Budget Meeting on Thursday 2<sup>nd</sup> March.

In that Meeting we had hoped to persuade Members across all parties to pause the Plan making process until we knew what the outcome of the Government's consultation on an update to the NPPF would be, as several other LPAs have done, including the Secretary of State's own LPA (Surrey Heath DC) which is in exactly the same stage as ours and also has a very similar political composition as ours. It too is facing all-out elections in May.

We have therefore had only one day to finalise our response, which is enclosed. However, we had assumed that our Motion to Full Council last night would not find support, hence this letter.

We also have concerns about the soundness of the evidence that has led to the choice of the one new strategic housing site in the District, following the need that arose in 2020 to abandon the previous preferred strategic site on the West Berkshire / Wokingham Borough border. Grazeley was withdrawn owing to changes in the Atomic Weapons Establishment's policies on its development safety zones preventing new development in them.

The decision to delegate to our officers the signing off of the Submission of the Plan to PINS was made on 1<sup>st</sup> December. That was before it was known that there was about to be an NPPF consultation running in parallel to our Reg. 19 consultation. It was also before the 6<sup>th</sup> December Ministerial Letter and the January Chief Planner's Newsletter in which it said there will be a further major update to NPPF later in 2023.

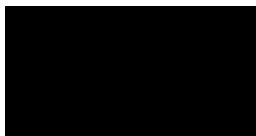
Only if our officers deemed there to be non-editorial changes made between that date and the date of submission were they to refer the Plan back to Full Council. The fact that you are now reading this letter means that officers did not refer the Reg. 19 draft Plan back to Full Council at its additional and final pre-election meeting set for 16<sup>th</sup> March. However we believed it would be extremely challenging for our officers to collate and summarise all responses made to the Regulation 19 draft before the Pre-Election Period. If they did find it necessary to refer the Plan back to Full Council it must nevertheless have been decided by Council to submit.

You may now find upon contacting this Council that the political leadership has changed and that Liberal Democrats have now formed the Administration. If that is the case, we would like to advise you that it is our clear and publicly known intention to ask the newly elected Council to pause the process for a few months while we review the Plan that was submitted.

We would respectfully ask you to consider our submitted comments as those of the new Council, which may not necessarily find agreement across the Chamber. We will have asked Council to do so, so that our officers will, as from after the first meeting of the new Council, be expected to work to our policy direction during any future Examination of the Plan. Note that hitherto and in this response we have not had the benefit of professional officer support.

However, please note that during the passage of the draft emerging Plan through this Council's internal processes, there have been few disagreements on major strategic policies. We do not wish the Plan to be found unsound, but we sincerely hope that you will find it possible to favourably consider our responses, to the few policies where we have concerns, as the basis of Modifications that you will ask us to make in order that we can adopt a new Plan in a timely fashion. Our priority is to help our District better tackle climate change, through having a robust new Local Development Plan to take us through to 2039.

Your Sincerely



Cllr Lee Dillon  
Leader of the Opposition  
West Berkshire Council



per

**West Berkshire Local Plan Review 2022-2039**

**Proposed Submission Representation Form**

**Ref:**

*(For official use only)*

<b>Please complete online or return this form to:</b>	<b>Online:</b> <a href="http://consult.westberks.gov.uk/kse">http://consult.westberks.gov.uk/kse</a>
	<b>By email:</b> <a href="mailto:planningpolicy@westberks.gov.uk">planningpolicy@westberks.gov.uk</a>
	<b>By post:</b> Planning Policy, Development and Regulation, Council Offices, Market Street, Newbury, RG14 5LD
<b>Return by:</b>	<b>4:30pm on Friday 3 March 2023</b>

This form has two parts:

- Part A - Your details: need only be completed once
- Part B - Your representation(s): please fill in a separate sheet for each representation you wish to make

**PART A: Your Details**

*Please note the following:*

- We cannot register your representation without your details.
- Representations cannot be kept confidential and will be available for public scrutiny, however, your contact details will not be published.
- All information will be sent for examination by an independent inspector
- All personal data will be handled in line with the Council's Privacy Policy on the Development Plan. You can view the Council's privacy notices at <http://info.westberks.gov.uk/privacynotices>

	<b>Your details</b>	<b>Agent's details (if applicable)</b>
Title:	Councillor Dr	
First Name:*	Tony	
Last Name:*	Vickers	<b>N/A – we have not taken professional advice</b>
Job title <i>(where relevant):</i>	Liberal Democrat Group Planning Spokesperson	Note: please use both my Councillor email contact and my personal one, as below. If I am not re-elected, my Group will receive any correspondence via me. There will be another Spokesperson appointed.
Organisation <i>(where relevant):</i>	West Berkshire Council	
Address* <i>Please include postcode:</i>		

Email address:*	[REDACTED]	
Telephone number:	[REDACTED]	

## Part B – Your Representation

**Please use a separate sheet for each representation**

The accompanying guidance note available at: <https://www.westberks.gov.uk/lpr-proposed-submission-consultation> will assist you in making representations.

*Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will **not normally** be a subsequent opportunity to make further representations, **further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation (and client if you are an agent):	Cllr Dr Tony Vickers On behalf of the <b>Liberal Democrat Group, West Berkshire Council.</b> <i>Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.</i>
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	2.1, 4.6, 4.19-4.20
Policy:	SP1 – Spatial Strategy
Appendix:	
Policies Map:	Figure 1 showing all constraints
Other:	SP17; IDP

### 1. Legally Compliant

*Please see the guidance notes for an explanation of what 'legally compliant' means.*

**Do you consider the Local Plan Review is legally compliant?**

Yes

*Please give reasons for your answer:*

N/A

### 2. Soundness

*Please see the guidance notes for an explanation of what 'soundness' means.*

**Do you consider the Local Plan Review is sound?**

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
<b>Positively Prepared:</b> The plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
<b>Effective:</b> the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

The sections on “Context” (2.1) and the “Development Strategy: Overview” (4.6) need to make more of the very large constraints on all spatial development in West Berkshire. These are listed in 4.6 but nowhere in these sections does the natural conclusion appear: that there is a severe shortage of available land; I have seen a figure of 11% cited in other policy documents approved by Council. With the recent statement by DLUHC that this could be taken into account when deciding the number of new homes to provide, it should be explicitly stated whether or not the Council wishes to use this to argue for a lower number.

This will be used in support of some of our other responses to policy in the draft Plan, which tend to call for a more flexible approach to well evidenced applications for development in the countryside – even in the AONB – and in flood zones.

The policy doesn’t take sufficient advantage of broadband reducing the need to travel. This doesn’t just enable reduction of out-commuting from the District as a whole, but can also help sustain viable rural communities through improved access to services via remote means: from online shopping to primary healthcare online consulting and online education.

The current pattern of middle income white collar workers and executives working from home in rural communities, while low income rural workers out-commute from social housing in urban areas doesn’t help maintain rural shops and schools. We believe the rural areas and AONB could sustainably accommodate significantly more new homes to meet the needs of rural businesses and communities.

This will also be reflected in changes we propose to DM1 and in the reduction of numbers in SP17. We also think the spatial strategy does not make sufficient use of brownfield land, as set out in SP12.

### 3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what ‘Duty to Cooperate’ means.

**Do you consider the Local Plan Review complies with the Duty to Co-operate?**



Yes

Please give reasons for your answer:

N/A

#### 4. Proposed Changes

**Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).**

*You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

In 2.1, add a sentence to the end: "These facts alone indicate a severe constraint on all forms of development in the District."  
In 4.6, add a sentence at the end: "It is estimated that only 11% of the District is either not already developed or is not subject to national policies that seriously limit the prospects for development and/or are areas where housing cannot be allocated in a Spatial Plan."  
In the third paragraph of SP1 on page 17, after "improving choice in transport modes" add "and seeking to minimise the need to travel through broadband rollout".  
At end of 4.19 add new sentence: "We will also encourage local communities and rural businesses to seek opportunities that may arise to accommodate small residential development in support of local needs in appropriate locations, thereby reducing in-commuting from towns and helping to sustain local facilities."

#### 5. Independent Examination

**If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?**

Yes

*If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:*

We wish to explain our approach to rural development known as "Viable Villages".

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

#### 6. Notification of Progress of the Local Plan Review

**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

	<i>Tick</i>
The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

*Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.*

<b>Signature</b>			<b>Date</b>	<b>3 March 2023</b>
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**Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.**

## Part B – Your Representation

**Please use a separate sheet for each representation**

The accompanying guidance note available at: <https://www.westberks.gov.uk/lpr-proposed-submission-consultation> will assist you in making representations.

*Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will **not normally** be a subsequent opportunity to make further representations, **further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation (and client if you are an agent):	Cllr Dr Tony Vickers On behalf of the <b>Liberal Democrat Group, West Berkshire Council.</b> <i>Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.</i>
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	
Policy:	SP11 – Biodiversity
Appendix:	
Policies Map:	
Other:	

### 1. Legally Compliant

*Please see the guidance notes for an explanation of what 'legally compliant' means.*

**Do you consider the Local Plan Review is legally compliant?**

Yes

*Please give reasons for your answer:*

N/A

### 2. Soundness

*Please see the guidance notes for an explanation of what 'soundness' means.*

**Do you consider the Local Plan Review is sound?**

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
<b>Positively Prepared:</b> The plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		
<b>Effective:</b> the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		

Please give reasons for your answer:

The use of the word “will” where it is intended to refer to the placing of a constraint on development should be replaced by “must”. For example, in the first line of SP11, instead of “development proposals **will** be required to demonstrate”, it should say “must”. Otherwise the sentence could be argued to merely mean that the policy **predicts** that such proposals **will** “conserve and enhance ....” so that developers could argue that in a particular circumstance their proposals need not comply with the policy.

This is supported by central government guidance from The Office of Parliamentary Counsel: Drafting Guidance<sup>1</sup>; June 2020<sup>1</sup>

Conserving biodiversity and where possible enhancing it is an existential matter for the Planet and there can be no easy exemptions. There may be many and/or complex ways to achieve it but no development can be allowed that has not been subject to a rigorous examination of how this will be achieved.

The policy and its supporting text needs to be reviewed in this light.

### 3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what ‘Duty to Cooperate’ means.

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

Please give reasons for your answer:

N/A

### 4. Proposed Changes

<sup>1</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/892409/OPC\\_drafting\\_guidance\\_June\\_2020-1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/892409/OPC_drafting_guidance_June_2020-1.pdf) (retrieved 12/02/2023)

**Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).**

*You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

“Will” should be replaced with “must” in the following places:  
Line 1; line 2 of ‘a’; line 1 under “Internationally Designated Sites”; line 2 of ‘q’.

### 5. Independent Examination

**If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?**

Yes

*If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:*

We would expect the normal legal meaning of the words “will”, “must” and “shall” are accepted during Examination of the Plan. In the context of imposing an obligation on a developer, “must” is essential, whereas “will” is merely a prediction. There are other uses of “will” in other policies in the draft Plan which we would hope are scrutinised by the Inspector. This is just the most important Policy of all as it affects all forms of life.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

### 6. Notification of Progress of the Local Plan Review

**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

	<i>Tick</i>
The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

*Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.*

<b>Signature</b>		<b>Date</b>	3 March 2023
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**Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.**

## Part B – Your Representation

**Please use a separate sheet for each representation**

The accompanying guidance note available at: <https://www.westberks.gov.uk/lpr-proposed-submission-consultation> will assist you in making representations.

*Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will **not normally** be a subsequent opportunity to make further representations, **further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation (and client if you are an agent):	Cllr Dr Tony Vickers On behalf of the <b>Liberal Democrat Group, West Berkshire Council.</b> <i>Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.</i>
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	6.19-6.20
Policy:	SP12 – Approach to Housing Delivery
Appendix:	1, 8
Policies Map:	Brownfield register (sites not shown)
Other:	Annual Monitoring Report, Five Year Housing Land Supply Nov 2022

### 1. Legally Compliant

*Please see the guidance notes for an explanation of what 'legally compliant' means.*

**Do you consider the Local Plan Review is legally compliant?**

Yes

*Please give reasons for your answer:*

N/A

### 2. Soundness

*Please see the guidance notes for an explanation of what 'soundness' means.*

**Do you consider the Local Plan Review is sound?**

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
<b>Positively Prepared:</b> The plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		✓
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
<b>Effective:</b> the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

If “achieving sustainable development” requires a Plan to provide new housing as far as possible within settlements and on previously developed land, then the allocation of 2,500 homes in North East Thatcham (SP17), of which a minimum of 1,250 are to be delivered by 2039 in this Plan period, shows the Plan is **not Positively Prepared**.

6.16 states that there were 1,958 units already approved on windfall sites – presumably of all sizes – as at 31 March 2022. 6.19 cites NPPF 68 “giving great weight” to such sites and 6.20 links to local evidence in the Council’s Register of Brownfield Sites and admits that already they “have consistently played an important role in” the District’s housing supply.

However, by only taking account of small windfall sites, despite there being several large and medium sites within settlements with planning consent and featuring in the Register of Brownfield Land, the Policy’s supporting text (6.19) takes far too cautious an approach to contribution of windfall to housing supply in the Plan period under review. This is what seems to result in the choice of NET and it makes the Plan (as we set out in more detail in SP17) unsustainable in all three dimensions:

- **Environmental.** In particular:
  - The NET site will be a typical car-dependent community, more so than a development closer to the town centre and/or south of the A4, let alone sites within urban settlements on brownfield land.
  - Placing development on this hillside is likely to add to the surface water drainage problems and potential for flash flooding.
- **Social**
  - Residents of NET will be further from town centre facilities and opportunities for social engagement. This will likely create mental health and anti-social behaviour issues as the development is built out.
- **Economic**
  - The gross under-estimate of the cost of a new secondary school (from £38m to only £5m – apparently across the whole District - in Jan23 IDP) will put economic pressure on the LEA to provide for education and on the wider CIL capital funding across the District.

We believe there is evidence that at least **500** of the 1,250 homes allocated in this Plan period for NET could be instead more sustainably be located within settlements, mainly on two large sites in Newbury.

These two alone could deliver at least **340** units between them and easily be expected to achieve full build-out by 2039, with relatively little need for off-site infrastructure.

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In addition to these urban sites in or adjacent to Newbury town centre with a planning history indicating they are deliverable, there are several other medium/large sites listed in the Register and included in the Five Year Housing Supply that have planning permission or are deemed deliverable and could between them deliver over **250** dwellings just in the five year period to 2027 within other settlements. These are assumed to be part of the 1,958 figure in Table 2, although that is not clear in the current draft Local Plan, which does not refer to a full breakdown of the figure.

Since the definition of ‘windfall site’ has been significantly broadened to include *“Sites not specifically identified in the development plan”*, not just sites *“that unexpectedly became available”*, we can see no justification for asserting there is no need for a significant windfall allowance from medium/large sites that are known to the LPA as potentially deliverable over the remainder of the Plan period, if such sites are included in the Five Year Land Supply. Small windfall sites have only accounted for about one third of the total actual windfall numbers over the current Plan period, so will almost certainly not deliver most of the windfall in future.

We believe that tackling the Climate Emergency really is top priority for any LPA, so the definition of “exceptional” designs and circumstances (in policies SP2, SP11 & DM1) with respect to new development in the countryside and in villages throughout the District must include proposals for minor housing developments to meet local community and business needs, especially where these can be shown to be zero carbon. It should also include brownfield sites adjacent to but not yet within larger settlements, some of which have been included in the HELAA.

In addition, we would expect more NDPs to be declared by parishes across the District and for these to produce a significant number of housing sites. We would be encouraging this.

We estimate that the combination of planned (through NDPs) and medium/large windfall could amount to at least **200** additional homes per year within, adjacent to or near settlement areas, thereby improving the sustainability, in economic and social dimensions, of rural communities – and in all three dimensions of sustainability (through reducing the need to use the private car) of urban areas.

The ways in which rural communities access services now involve far less travel by private car. As the roll-out of 5G broadband, EV charging infrastructure, online consultations and learning etc. proceeds, it must be assumed that there will less need for large suburban housing estates favoured by the small number of national homebuilders who have come to dominate the housing market. So the choice of a 2,500 homes strategic site (NET) is **not Justified**.

We comment on several other policies in the Plan in a similar vein but for policy SP12 we believe there need only be minor changes in the supporting text and in the tables (see below).

As regards **consistent with national planning policy** and the NPPF, this version of our Plan was published just after a Ministerial Letter on 6<sup>th</sup> December from the SoS, a letter sent by him to LPAs at the same time and publication by DLUHC on 22<sup>nd</sup> December of a draft new NPPF for consultation ending on 2<sup>nd</sup> March at around the same time as this LPA’s Reg19 consultation. Furthermore there is



another “fuller update” of the NPPF, thought to be specifically in the light of the Climate Emergency declared by Government in 2018, due before the end of the year, according to the Chief Planner’s January 2023 newsletter.

So it is not surprising that LPAs at a similar stage with Plan making as this Council – including Mr Gove’s own – are pausing their process. The Liberal Democrat Group, which forms the main opposition at this time but could be in control of Council policy by the time there is an Inspector appointed to examine our Plan, is also minded to pause the process for West Berkshire’s Plan until national policy becomes clearer.

While national policy seems internally inconsistent, it is very difficult for all those involved in housing development to understand it. The remarkable churn in senior post holders, from Minister and Chief Planner downwards, does not help the development industry plan for the future and seems to reflect (or perhaps cause) uncertainty. Nevertheless it appears most likely that Plan submission will have occurred before an entirely new Council for West Berkshire is elected in May.

On windfall numbers, we have said that the extremely modest figure seemingly based on an outdated definition of windfall also demonstrates that this policy is not **consistent with national policy**.

Our comments here and elsewhere are therefore submitted in the hope that the Inspector will consider requiring changes broadly in accordance with them to be made as Modifications to the Plan in order to make it sound. There is much in the Plan as submitted that finds the support of the Liberal Democrat Group, in particular the fact that tackling Climate Change is the top strategic priority.

### 3. Complies with the Duty to Co-operate

*Please see the guidance note for an explanation of what ‘Duty to Cooperate’ means.*

**Do you consider the Local Plan Review complies with the Duty to Co-operate?**

Yes

*Please give reasons for your answer:*

*In respect of SP12 only. See comments on SP17*

### 4. Proposed Changes

**Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).**

*You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

In 6.20, delete all from “The windfall allowance of 140....” in line 3 and replace with:  
*“The windfall allowance of 340 dwellings per annum is consistent with the figures for windfall sites on brownfield land within settlements, as listed in the Register of brownfield sites. The figure includes all sites in the Register that are not already completed or under construction but that have planning consent and are shown as deliverable, plus other windfall sites of all sizes that based on recent local historical evidence may come forward through the development management system during the Plan period. The windfall figure for actual completions per annum during the current Plan period (from 2006/7) is 383.”*

In Table 2 on the same page, replace the last two figures (1,949 and 7,337) with 3,225 and 8,613 respectively.

In 6.21, replace the figures 1,809 and 7,337 with 533 and 8,613 respectively.

In 6.22, replace the figures 1,720 and 1,500 with 720 and 500 respectively.

Appendix 8 (Housing Trajectory) will need reviewing.

### 5. Independent Examination

**If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?**

Yes

*If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:*

We would wish to clarify the changes in the light of the latest evidence. This is probably the most significant of all changes we are proposing to the current emerging Plan. In particular we wish to explain why we believe the two large brownfield sites in Newbury that are both largely in fluvial flood zone 2 should be regarded as deliverable in the Plan period and should be included as windfall.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

### 6. Notification of Progress of the Local Plan Review

**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

	<i>Tick</i>
The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

*Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.*

<b>Signature</b>		<b>Date</b>	<b>3 March 2023</b>
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**Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.**

## Part B – Your Representation

**Please use a separate sheet for each representation**

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Your name or organisation (and client if you are an agent):	Cllr Dr Tony Vickers On behalf of the <b>Liberal Democrat Group, West Berkshire Council.</b> <i>Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.</i>
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	6.28
Policy:	SP13 Residential sites in Newbury & Thatcham Spatial Area
Appendix:	
Policies Map:	
Other:	

### 1. Legally Compliant

*Please see the guidance notes for an explanation of what 'legally compliant' means.*

**Do you consider the Local Plan Review is legally compliant?**

Yes

*Please give reasons for your answer:*

N/A

### 2. Soundness

*Please see the guidance notes for an explanation of what 'soundness' means.*

**Do you consider the Local Plan Review is sound?**

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
<b>Positively Prepared:</b> The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
<b>Effective:</b> the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		

Please give reasons for your answer:

As reasoned in our SP12 response, we do not think there is a need in the Thatcham part of this Spatial Area for a greenfield site larger than 5-700 homes. There are windfall sites there within or on the edge of the settlement area that could take that number, so an allocation of 500 for a single site in the general area of North East Thatcham is all that is justified. More work will be needed while the Plan making process is paused to establish more precisely where this should be.

We also think that there remain significant issues with the Sandford site allocated in 2012. We see little prospect of more than 50 new dwellings being occupied south of Monks Lane Newbury until Thames Water upgrades the foul sewer network through Newbury and on to Lower Way Thatcham treatment works, which is likely to take at least five years according to its own estimates. More detail of our reasoning for a reduced number over the Plan period is in our response to SP16.

### 3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

**Do you consider the Local Plan Review complies with the Duty to Co-operate?**

Yes

No

Please give reasons for your answer:

N/A

### 4. Proposed Changes

**Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).**

*You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

In the table for Large sites, SP16 should be reduced to 1200 and for SP17 to 500.

In 6.28, delete all after “1500 homes could be developed” in line 3 in that sentence and add“, of which only 1200 are likely to be delivered by 2039.” In the fourth line replace 1,500 with 500. The remainder of this paragraph can stay as it is.

## 5. Independent Examination

**If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?**

Yes

No

*If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:*

We wish to explain our whole approach to new housing in these urban areas.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

## 6. Notification of Progress of the Local Plan Review

**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

*Tick*

The submission of the Local Plan Review for Independent Examination	<input checked="" type="checkbox"/>
The publication of the report of the Inspector appointed to carry out the examination	<input checked="" type="checkbox"/>
The adoption of the Local Plan Review	<input checked="" type="checkbox"/>

*Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.*

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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	6.45
Policy:	SP16 Sandleford
Appendix:	
Policies Map:	
Other:	

### 1. Legally Compliant

*Please see the guidance notes for an explanation of what 'legally compliant' means.*

**Do you consider the Local Plan Review is legally compliant?**

Yes

*Please give reasons for your answer:*

N/A

### 2. Soundness

*Please see the guidance notes for an explanation of what 'soundness' means.*

**Do you consider the Local Plan Review is sound?**

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
<b>Positively Prepared:</b> The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		
<b>Effective:</b> the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		

Please give reasons for your answer:

There remains considerable doubt as to whether the build-out of the whole site will be achieved before the end of the Plan period. Hence we believe it fails the soundness test by not being **effectively** deliverable.

For a start, Thames Water notified the Council in 2020 that no more than 50 new dwellings can be occupied before a significant upgrade to sewage treatment works and drainage is completed. This presumably involves a developer contribution towards the cost and will also be far-reaching in scope and includes: a new pumping station near the top of the Monks Lane / Newtown Road (A339) hill needed on third party land; upgrades to several sections of foul sewage mainly lying below main roads in Newbury; a new holding tank near - and expansion to - the (Listed) existing Victorian pumping station at Faraday Road, which is in the middle of the Council-owned London Road Industrial Estate (itself due for redevelopment). This alone, quite apart from other infrastructure that needs to be available before works commence, means that the earliest completion of new units is likely to be significantly later than that shown in Appendix 1 to the Nov 2022 Five Year Housing Land Supply: 2025/26. Presumably all of the Bloor Homes Sandleford Park East site (1080 units) will need to feed into this sewage system.

At a rate of 100/year (as shown in the Housing Land Supply table) and starting in, say, 2028/29 in theory the Bloor development could be built out within the Plan period. However, the southern section of Bloor's site needs to link with Sandleford Park West (on another developer's land) if it is to rely on the Warren Road access onto A343 and not on a large valley crossing bridge to connect the Community Centre with the main housing north of the valley. Until a detailed Planning Performance Agreement between Bloor and the Council (and ideally also with the other developer, whose outline application has yet to be approved) has been seen, there can be little confidence that the Bloor site will not reach a point where progress is slowed.

As for Sandleford Park West, the developer is known to be hoping to avoid using Warren Road and instead to be able to extend the development south towards the Hampshire border and make a new access onto A343 either north or south of the River Enborne. Therefore, we have little confidence that the western part of the allocated site will proceed at pace and be delivered by the end of the Plan period 2039.



For this reason we suggest the allocation from Sandleford be reduced to 1200, although the site can remain allocated for 1500, with the remaining 300 completed in the period after 2039.

### 3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

Please give reasons for your answer:

N/A

### 4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

At the end of the first sentence in SP16 add "of which only 1200 are to be delivered in the period to 2039".

In 6.45 (or in new paragraph), add to the end: "A first Reserved Matters application for the eastern part of the site is expected in late 2023 and the last Reserved Matters need not be submitted for 12 years thereafter (i.e. 2035). Based on this and because there remain significant technical reasons why no completions are likely until about 2028 and why the linkages between the east and west parts could prove problematic, we do not expect it will be possible to build out the whole allocated site by the end of the Plan period."

### 5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?

Yes

No

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Whether or not I remain a Member of the Council, I intend to keep a close interest in progress of the site. I have had a close involvement in it since 2009. A Planning Performance Agreement is due to be published late this year and we would wish to review our comments on Sandleford after that.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

### 6. Notification of Progress of the Local Plan Review

Do you wish to be notified of any of the following?

*Please tick all that apply:*

*Tick*

The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

*Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.*

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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	6.52-6.63
Policy:	SP17 North East Thatcham
Appendix:	
Policies Map:	Depiction of North East Thatcham site boundary
Other:	Appendix 5 to SA and numerous other documents referenced by Thatcham Town Council (TTC) in their response

### 1. Legally Compliant

*Please see the guidance notes for an explanation of what 'legally compliant' means.*

**Do you consider the Local Plan Review is legally compliant?**

No

*Please give reasons for your answer:*

We do not demur from the view of TTC in respect of the following issues and will not repeat their reasoning:-

- Status of the Thatcham Strategic Growth Study.
- Deficit of Social Infrastructure for Thatcham.
- Lack of Provision of secondary education and primary healthcare.
- “Interim” Duty to Cooperate Statement.
- Scoring system used in the Sustainability Appraisal: Appendix 5 SA/SEA of Strategic Policies for SP17 draws on the evidence base in a manner that that does not appear to justify many of the ‘scores’ allocated, which seem to be ‘hoped-for’ scores not justified by any evidence. In summary, there has been insufficient “appraisal” so far: not enough to justify such a large site being allocated such a large proportion of the total housing requirement.
- Lack of clarity about why and how the size of the site was arrived at, both with respect to the numbers in the emerging Plan period and the overall size in the longer term. It appears that this number does not seem to be evidenced and then efforts have been made to find justification for reducing the number as a result of local political pressure.
- Deliverability of 1500 homes within the Plan period, based on experience with a similarly large site (Sandleford Park) where completions were supposed to start within 4 years of the site’s allocation (2012) but which is unlikely to deliver any units until 2029.
- Availability of water supply and treatment, which links to deliverability. NET and Sandleford both require a major upgrade of Thames Water’s Lower Way treatment works and the foul sewer network leading to it.
- Landscape Capacity Assessment.
- Lack of definition of settlement boundary.
- Inadequate and contradictory information on highways and traffic.
- Use of “will” where “must” is strongly preferred (see elsewhere in the draft Local Plan, as explained by us in our SP11 response).

## 2. Soundness

*Please see the guidance notes for an explanation of what ‘soundness’ means.*

### Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

*Please tick all that apply:*

NPPF criteria	Yes	No
<b>Positively Prepared:</b> The plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		✓
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
<b>Effective:</b> the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

*Please give reasons for your answer:*

We agree with TTC that, for a variety of reasons under the tests for Soundness, SP17 fails on many issues as described in their response (see list under Legally Compliant). We do not intend to repeat their argument, but on the basis that we agree with them, our Group has focused on finding sites within settlements or adjacent to them – including other sites within Thattham that could between them deliver about 500 new units – that would deliver the same number as NET is currently allocated within the Plan period to 2039.

### **3. Complies with the Duty to Co-operate**

*Please see the guidance note for an explanation of what 'Duty to Cooperate' means.*

**Do you consider the Local Plan Review complies with the Duty to Co-operate?**

Yes

No

*Please give reasons for your answer:*

As stated by Thattham Town Council, on Healthcare there is lack of evidence that the primary healthcare authorities have been adequately consulted. Also the Duty to Cooperate Statement doesn't convince us that National Highways, Thames Water, or Natural England have responded. This makes the submission premature in our view and this Council should not have agreed to authorise officers to submit Reg19 to consultation until these statutory authorities had responded.

### **4. Proposed Changes**

**Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).**

*You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

Please refer to proposals by Thattham Town Council, which we support in full.

### **5. Independent Examination**

**If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?**

Yes

*If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:*

We need to explain why we think the provision for infrastructure funding is so inadequate for NET. We hope that the relevant authorities will have supplied responses to the LPA by the time the Examination begins. Although we are largely led by the more detailed analysis done by Thattham Town Council, this Group expects to have access to more (and different / independent) advice and resources than Thattham Town Council.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

## 6. Notification of Progress of the Local Plan Review

Do you wish to be notified of any of the following?

*Please tick all that apply:*

*Tick*

The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

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Your name or organisation (and client if you are an agent):	Cllr Dr Tony Vickers  (on behalf of the <b>Liberal Democrat Group, West Berkshire Council</b> ). <i>Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.</i>
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	7.1-7.21, especially 7.6-7.7, 7.10, 7.13 & 7.16 7.25
Policy:	SP20 & SP21
Appendix:	
Policies Map:	Proposed employment allocations
Other:	DM35

### 1. Legally Compliant

*Please see the guidance notes for an explanation of what 'legally compliant' means.*

**Do you consider the Local Plan Review is legally compliant?**

Yes | |

*Please give reasons for your answer:*

N/A

### 2. Soundness

*Please see the guidance notes for an explanation of what 'soundness' means.*

**Do you consider the Local Plan Review is sound?**

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
<b>Positively Prepared:</b> The plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		✓
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
<b>Effective:</b> the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

We believe the approach is too passive. If “**Positively Prepared**” means working with all local stakeholders and in particular landowners, it is clear to us that certain key stakeholders could have been persuaded to resolve the issue of lack of employment sites in suitable locations.

Newbury Town Council under a Conservative administration resolved to include development of Newbury Showground as part of its Vision under successive political administrations since 2018. The site is very convenient for the occasional events held there by the Newbury & District Agricultural Society (NDAS), aimed largely at the rural business sector.

However this site, now largely Brownfield although located in planning terms in open countryside just inside the AONB, is much under-used. We are aware that there is significant – but not majority - support for further development within NDAS membership at present but we would expect and wish for the trend to continue towards making the Showground a hub for distribution, led by its situation at the geographic centre of the AONB but also easily accessible by the national highway network and within close reach of a varied workforce in Newbury & Thatcham We also believe it could enhance its appeal over the Plan period as a rural business hub for a wider area of North Wessex & beyond.

It also links to the Council’s unanimous aspiration to redevelop the London Road Industrial Estate (LRIE), which is a DEA owned by the Council. Our view is that, in the short to medium term, some business occupiers at LRIE might be relocated to the Showground to enable that site to be redeveloped earlier in the Plan period than is otherwise likely. As stated in 7.7 “there is little or no viability in the [office development] market” at present, so the current range of LRIE business occupiers is likely to remain, leaving the “[un]attractive environment for modern day use” (7.10) there for the foreseeable future – as it has been for the past 20 years since the Council first realised its estate was seriously in need of redevelopment. As per 7.6: “market signals are generally not sufficient to trigger new build office development on a speculative basis”. That seems to be admitting that LRIE will not be redeveloped for purely commercial use any time soon.

We also have concerns that by encouraging office development in DEAs (as implied in 7.7 second sentence) such as LRIE, where there are many ‘blue collar’ jobs in the motor industry, the future viability of these businesses may be endangered unless there are other employment sites within a short distance from their customer and employee base. These businesses could therefore be relocated at the Showground.



There is currently not enough evidence that the policy is **Justified** or **Effective**. We have no confidence that LRIE will be redeveloped for commercial use within the Plan period without significant proactive intervention in the employment land market by the District Council. The Liberal Democrat Group is of the view that by allowing the re-provisioning of the football facility in Faraday Road and by implementing the consented Gateway Plaza (despite and indeed because its residential component will improve the overall financial viability of LRIE redevelopment) the Council will attract significant interest in commercial development of the rest of the site, provided some of its current occupiers can be relocated at least temporarily. This is touched on also in our response to SP12.

We would like to see the Council reaching out to NDAS and all rural businesses through the newly formed West Berkshire Rural Business Forum, the North Wessex Downs AONB Management Board and local councils across the District with its “vast rural area that is host to a large number of small and medium sized enterprises” (7.16) and beyond and to work up a strategy that sees Newbury Showground become a hub for the North Wessex rural business community.

This could perhaps also relieve Membury of some of the HGV traffic that currently this Council is helping to impose on minor rural roads (e.g. Ermin Street) by allocating employment sites relatively remote from where their workforce live. Membury is not sustainable and its use for employment has harmed the AONB significantly more than we believe Newbury Showground would. We know that unauthorised and uncontrolled access through Membury Services is made by vehicles on journeys generated by this employment area, because that cuts 5 miles off the journey onto the M4 at J14. This is a matter outside of the control of the Council as Local Highway and Planning Authority but unless it is properly legislated for and enforced, J13 in contrast involves less than 8 miles distance from the national highway network and is 12 miles nearer Newbury than Membury and immediately adjacent to the Showground. It would be far more suitable than Membury as a dedicated employment area.

Having a major distribution centre at the Showground is likely to also reduce demand for such development at Colthrop, which would in turn reduce the number of HGVs using the A4 through Newbury & Thatcham. This would encourage greater uptake of active travel on the A4 and its feeder roads and therefore be more **consistent with national policy**.

Although Newbury Showground appears to be largely greenfield land and is used for part of the year for grazing, it has substantial areas of hardstanding and several permanent buildings on it. The Newbury Racecourse site was treated as a brownfield site when it was allocated for housing and the proportion of previously developed land on both sites is similar. It also supports some existing employment. Therefore it complies with ‘d’ of policy SP20.

### 3. Complies with the Duty to Co-operate

*Please see the guidance note for an explanation of what ‘Duty to Cooperate’ means.*

**Do you consider the Local Plan Review complies with the Duty to Co-operate?**

Yes

*Please give reasons for your answer:*

Not applicable because NDAS is not one of the statutory bodies listed in the Duty to Cooperate

### 4. Proposed Changes

**Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).**

*You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

We have no proposals to change SP20 or its supporting text, which is worthy but likely to be ineffective without changes to SP21 and the list of DEAs, as suggested below.

In SP21, delete ESA3 (in Membury) including reference to it in 7.25 and add Newbury Showground.

We would need supporting text adding for the Showground, based on the wording in the above section.

## 5. Independent Examination

**If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?**

Yes

*If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:*

To explain further and provide evidence in support of the above.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

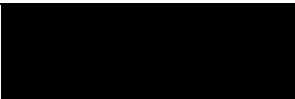
## 6. Notification of Progress of the Local Plan Review

**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

	<i>Tick</i>
The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

*Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.*

<b>Signature</b>		<b>Date</b>	<b>3 March 2023</b>
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## Part B – Your Representation

**Please use a separate sheet for each representation**

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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	7.48
Policy:	SP23 Transport
Appendix:	
Policies Map:	
Other:	Phase 1 Transport Assessment December 2020

### 1. Legally Compliant

*Please see the guidance notes for an explanation of what 'legally compliant' means.*

**Do you consider the Local Plan Review is legally compliant?**

Yes

*Please give reasons for your answer:*

N/A

### 2. Soundness

*Please see the guidance notes for an explanation of what 'soundness' means.*

**Do you consider the Local Plan Review is sound?**

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
<b>Positively Prepared:</b> The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
<b>Effective:</b> the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		

Please give reasons for your answer:

The most recent transport modelling, according to the Phase 1 Transport Assessment Dec 2020, was done based on models run before the pandemic caused major changes in travel and transport patterns. It was also only projecting forwards to 2037, whereas the Plan period has been extended to 2039. Nor does it take into account the most recent HELAA in which new sites came forward and other sites which had previously been modelled for were removed.

Therefore the modelling needs to be re-run using the best national post-pandemic traffic data and the latest set of sites included in this draft for allocation of development, otherwise the LPA will be unable to defend those allocations during Examination and may also be unable to justify transport projects it wishes to include in the IDP and CIL/S106 funding derived from developments for their contributions to transport infrastructure.

The lack of updated traffic modelling could also impact on Air Quality assessments.

### 3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

**Do you consider the Local Plan Review complies with the Duty to Co-operate?**

Yes

Please give reasons for your answer:

N/A

### 4. Proposed Changes

**Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).**

*You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

The traffic modelling needs to be redone; there are no changes to be proposed to the Plan until this happens. The change necessary is for the Plan process to be paused until the traffic modelling has been redone.

### 5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?

Yes

No

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

We are unsure at this stage. If the emerging LTP involves new traffic modelling then it may have been done before the Examination of this Plan is begun.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

### 6. Notification of Progress of the Local Plan Review

Do you wish to be notified of any of the following?

Please tick all that apply:

Tick

The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.

Signature		Date	3 March 2023
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## Part B – Your Representation

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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	7.52-7.58
Policy:	SP24 – Infrastructure Requirements and Delivery
Appendix:	
Policies Map:	
Other:	Infrastructure Delivery Plan; CIL Charging Schedule (2014)

### 1. Legally Compliant

*Please see the guidance notes for an explanation of what 'legally compliant' means.*

**Do you consider the Local Plan Review is legally compliant?**

Yes

*Please give reasons for your answer:*

N/A

### 2. Soundness

*Please see the guidance notes for an explanation of what 'soundness' means.*

**Do you consider the Local Plan Review is sound?**

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
<b>Positively Prepared:</b> The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development	✓	
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence	✓	
<b>Effective:</b> the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

**National policy** on funding of infrastructure is currently unclear. Whilst the Liberal Democrat Party has always strongly supported using the uplift in land value from the granting of planning consent (and also from allocating land through Local Plans to a higher value land use) to fund essential infrastructure required by new developments, we also support the use of the higher 'spill-over' land value resulting from investments in infrastructure, because land values are affected (generally in an upward direction) over a wide area by improvements to infrastructure.

None of the post-WWII methods of capturing land value for public benefit have worked adequately and it is as yet unclear whether the Levelling Up & Regeneration Bill will result in a system which is any better than CIL. It is unclear what national policy currently is and therefore local policy SP24 cannot be deemed consistent with it.

Therefore, we believe this policy is unsound until and unless the Government's proposals are clearer. This is one reason why we would wish the Plan making process to pause. If there is no change to the system, then the current CIL Charging Schedule needs urgent updating.

Appendix 1 to the IDP is seriously lacking in evidence of anything approaching a realistic cost estimate for the infrastructure projects listed as necessary for developments set out in the LDP. It is totally **ineffective** as it stands both for this reason and because of the lack of clarity on government policy and the effect this is having on investor confidence.

### 3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

Please give reasons for your answer:

N/A

### 4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above



**(Please note that non-compliance with the duty to co-operate is incapable of modification at examination).**

*You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

Completion of the IDP is needed. The Plan process should be paused until the IDP is at a more advanced stage with all known projects given at least an approximate realistic estimated cost.

## 5. Independent Examination

**If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?**

Yes

No

*If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:*

When the IDP has been fleshed out, we will wish to examine and probably comment on it, with the ability to question and be questioned on comments made. Meanwhile I have personally submitted an application to be involved in the DLUHC studies of Land Value Capture and Land Auctions, which form part of the Levelling Up Bill. I have previously been involved in research for Government on this subject and it may be appropriate to speak on this at the time of the Public Examination of this Plan.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

## 6. Notification of Progress of the Local Plan Review

**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

*Tick*

The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	9.6
Policy:	DM1 – Residential Development in the Countryside
Appendix:	
Policies Map:	Yes
Other:	

### 1. Legally Compliant

*Please see the guidance notes for an explanation of what 'legally compliant' means.*

**Do you consider the Local Plan Review is legally compliant?**

Yes

*Please give reasons for your answer:*

N/A

### 2. Soundness

*Please see the guidance notes for an explanation of what 'soundness' means.*

**Do you consider the Local Plan Review is sound?**

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
<b>Positively Prepared:</b> The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
<b>Effective:</b> the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		

Please give reasons for your answer:

Due to the number of constraints on development (AONB, AWE DEPZs, floodplains, nutrient neutrality zones) resulting in a serious shortage of available suitable land in settlements, also given the major changes in living, travel and working habits occurring in rural areas with the roll-out of the internet and EV charging, there would seem to be a reduced need to control development in the countryside.

Major changes in agriculture are also almost inevitable as a result of climate change, BREXIT and the need for food security, but alongside a more environmentally friendly and low carbon input food production system. Whilst agriculture and food production is outside the remit of LPAs and the wider spatial planning system, these changes are bound to lead to new opportunities for employment in businesses that form part of the food chain. This will lead to pressure for housing associated with these rural businesses and while overwhelmingly new housing will be within existing settlements, there may be a need for housing close to businesses outside settlement areas.

Therefore, we feel there is no justification for a policy that prevents almost all housing development in the countryside if it is deemed to cause any harm in the relationship between settlements and countryside. We wish to only prevent significant harm and to give great weight to development that can be shown to be self-sufficient and not lead to significantly more need to travel and is exceptionally well designed, as stated already in 9.6.

### 3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

Please give reasons for your answer:

N/A

### 4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above

**(Please note that non-compliance with the duty to co-operate is incapable of modification at examination).**

*You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

In the last paragraph of DM1, insert “significantly” before “harms” in line 1 and before “adverse” in line 4.

## 5. Independent Examination

**If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?**

Yes

*If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:*

To explain our whole somewhat more relaxed approach to development in the countryside “(see also responses to DM23/24/35).

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

## 6. Notification of Progress of the Local Plan Review

**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

*Tick*

The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

*Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.*

<b>Signature</b>		<b>Date</b>	<b>3 March 2023</b>
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	10.64 – 10.72
Policy:	<b>DM7</b> Water Resources
Appendix:	
Policies Map:	
Other:	West Berkshire Water Cycle Study Phase 2 by JBA Consulting Sep 2021

### 1. Legally Compliant

*Please see the guidance notes for an explanation of what 'legally compliant' means.*

**Do you consider the Local Plan Review is legally compliant?**

Yes

*Please give reasons for your answer:*

N/A

### 2. Soundness

*Please see the guidance notes for an explanation of what 'soundness' means.*

**Do you consider the Local Plan Review is sound?**

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
<b>Positively Prepared:</b> The plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		✓
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
<b>Effective:</b> the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

The policy admits that West Berkshire District is part of a “severely water stressed area” but accepts the Building Regulations reduced standard supply rate for new developments of 110l/p/d maximum as adequate.  
 We are aware that other parts of the south and south east have adopted 100L/p/d as the standard, with 80L/p/d for strategic sites.  
 We therefore believe that the Council needs to work with other statutory bodies (EA & Thames Water, also NE) and the building industry to demonstrate that this higher standard is appropriate as Local Plan policy for West Berkshire. This would help in several ways:

1. Reduce waste water volumes;
2. Encourage grey water recycling, which could assist SUDS and reduce surface water network volumes;
3. Reduce the need for more reservoirs within the Thames Water severely stressed area;
4. Help protect chalk streams and aquifers from excess abstraction.

Failure to explore this would seem to show this policy is unsound in every sense.

### 3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what ‘Duty to Cooperate’ means.

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

The fact that this has not been explored fully, and with Thames Water in particular, indicates a failure to exercise the Duty to Cooperate.

### 4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

In the second paragraph of the policy, after "...Regulations G2." Add this sentence:-  
 "For strategic sites a higher standard of 80l/p/d will be sought."  
 In supporting text 10.69, after "Phase 2 (2021)" at end, add ", which recommended consideration of an even more stringent target, particularly for strategic sites."

## 5. Independent Examination

**If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?**

Yes

*If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:*

We strongly believe the JBA Stage 2 report needs following up and will be seeking to engage urgently with Thames Water and the development industry on this matter.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

## 6. Notification of Progress of the Local Plan Review

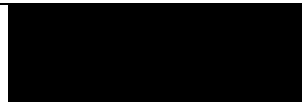
**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

*Tick*

The submission of the Local Plan Review for Independent Examination	✓
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	10.81
Policy:	DM9 – Conservation Areas
Appendix:	
Policies Map:	yes
Other:	Conservation Areas page on <a href="#">Council website</a> <a href="#">Historic environment section</a> of evidence base to the LPR

### 1. Legally Compliant

*Please see the guidance notes for an explanation of what 'legally compliant' means.*

**Do you consider the Local Plan Review is legally compliant?**

Yes

*Please give reasons for your answer:*

N/A

### 2. Soundness

*Please see the guidance notes for an explanation of what 'soundness' means.*

**Do you consider the Local Plan Review is sound?**



The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
<b>Positively Prepared:</b> The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		
<b>Effective:</b> the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		✓

Please give reasons for your answer:

Most of the 53 CAs in the District were designated more than 30 years ago, yet the only two for which a CAA has been carried out and approved as Local Plan evidence are two of the most recently designated: Streatley & Peasemore. These are among the smallest and yet the CAAs were carried out immediately after they were first designated.

This shows that the Council has not used any kind of systematic, evidence based or reasonable approach and has failed to carry out its statutory function cited in 10.80. Without a CAA it is very difficult for any LPA to "define what is special about a particular Conservation Area" and therefore to justify a claim that a particular development harms its character. This leads to a significant degree of uncertainty in the minds of all stakeholders in the planning process, adds to delays and costs and brings the process and the Plan itself into disrepute among the community.

CAAs are by definition the areas within settlements that far more people experience in their routine daily lives than other aspects of Heritage protection of which seems to have been given a much greater share of the Council's resources over many decades.

For these reasons, we believe the Plan is currently **ineffective** and **not in accordance with national planning policy**.

### 3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

Please give reasons for your answer:

N/A

### 4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Nothing that can be added to the Plan itself can make this aspect of it sound. Until evidence is produced that some of the larger CAs will have CAAs made within a period of, say, five years, there can be no confidence that Policy DM9 will carry sufficient weight in decision making for developments within or affecting the setting of a CA. For example, Newbury Town Centre was designated a CA in 1971 and contains more Listed Buildings than any other in the District, but 50 years on its CAA has only this year been published for consultation.

### 5. Independent Examination

**If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?**

Yes

*If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:*

To give examples of how lack of CAAs has impacted on development in central Newbury and details of what I know about how local policy and resourcing priorities have caused this.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

### 6. Notification of Progress of the Local Plan Review

**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

*Tick*

The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

*Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.*

<b>Signature</b>		<b>Date</b>	3 March 2023
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**Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.**

## Part B – Your Representation

**Please use a separate sheet for each representation**

The accompanying guidance note available at: <https://www.westberks.gov.uk/lpr-proposed-submission-consultation> will assist you in making representations.

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Your name or organisation (and client if you are an agent):	Cllr Dr Tony Vickers On behalf of the <b>Liberal Democrat Group, West Berkshire Council.</b> <i>Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.</i>
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	6.19-6.20
Policy:	DM23 – housing for rural workers
Appendix:	
Policies Map:	
Other:	

### 1. Legally Compliant

*Please see the guidance notes for an explanation of what 'legally compliant' means.*

**Do you consider the Local Plan Review is legally compliant?**

Yes

*Please give reasons for your answer:*

N/A

### 2. Soundness

*Please see the guidance notes for an explanation of what 'soundness' means.*

**Do you consider the Local Plan Review is sound?**

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
<b>Positively Prepared:</b> The plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
<b>Effective:</b> the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		

Please give reasons for your answer:

We believe this policy is not **justified** in demanding that such developments have “no adverse impact on the rural character...” (etc.) because there will be so much change in the nature and national importance of land based businesses, owing to needs of food security and changes to agriculture, also to the factors influencing “sustainability” in all three dimensions, that this is too restrictive.

For example, housing workers close to, but not within a rural settlement – let alone the nearest town – might incur more travel and transport related carbon emissions and deny a village school and shop the additional customers it needs to survive economically and the rural community to flourish socially. Meanwhile it might increase peak hour congestion in urban areas caused by journeys that would not be needed if the worker lived near to their workplace.

### 3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what ‘Duty to Cooperate’ means.

**Do you consider the Local Plan Review complies with the Duty to Co-operate?**

Yes

Please give reasons for your answer:

N/A

### 4. Proposed Changes

**Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).**

*You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

In 'g', insert "significant" before adverse.  
 In 11.43 replace "nearby" with "within or near to" in line 1 and in the last sentence after "workplace" insert "the overall sustainability of siting the accommodation nearer to the workplace than policy would otherwise allow,"

**5. Independent Examination**

**If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?**

Yes  No

*If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:*

To expand on our Viable Villages concept and why we believe the evidence leads to a more flexible attitude towards development in the countryside.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

**6. Notification of Progress of the Local Plan Review**

**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

	<i>Tick</i>
The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

*Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.*

<b>Signature</b>		<b>Date</b>	3 March 2023
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## Part B – Your Representation

**Please use a separate sheet for each representation**

The accompanying guidance note available at: <https://www.westberks.gov.uk/lpr-proposed-submission-consultation> will assist you in making representations.

*Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will **not normally** be a subsequent opportunity to make further representations, **further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation (and client if you are an agent):	Cllr Dr Tony Vickers  (on behalf of the <b>Liberal Democrat Group, West Berkshire Council</b> ). <i>Please note that with local all-out elections due 4 May 2023, all responses should be addressed to the Liberal Democrat Group in case I am no longer in this position or even a Member of Council.</i>
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	11.50-11.59
Policy:	DM24 – Conversion of Redundant Rural Buildings
Appendix:	
Policies Map:	
Other:	

### 1. Legally Compliant

*Please see the guidance notes for an explanation of what 'legally compliant' means.*

**Do you consider the Local Plan Review is legally compliant?**

Yes

No

*Please give reasons for your answer:*

N/A

### 2. Soundness

*Please see the guidance notes for an explanation of what 'soundness' means.*

**Do you consider the Local Plan Review is sound?**

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
<b>Positively Prepared:</b> The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
<b>Effective:</b> the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		

Please give reasons for your answer:

It is not easy to decide whether a building is structurally unsound. While an applicant is considering whether to retain a building that they no longer have use for, its condition can deteriorate from being 'sound' to being dangerous. Adding this to the list of criteria to be met before planning consent can be given simply adds to the cost and delay and makes it likely that we will have more unsightly crumbling buildings in our rural landscape. Such buildings are all too common a feature of the countryside in areas where local policy is unduly strict on this.

This policy adds to the cost and delays of what could be beneficial restoration of buildings with character that befits their setting. It is not really the business of planners but of structural engineers and cost accountants – and, as regards legislation, of Building Regulations – to determine whether it is 'worth' retaining a building because of its poor structural condition.

We prefer to see the planning decision focus on the outcome of any restoration and re-use and also whether its restoration will result in fewer carbon emissions than if the embedded energy in its original construction is allowed to go to waste. We have no problem with the other criteria listed, but if these are all met, we can see no good reason to condemn a structurally unsound but otherwise potentially harmless building, that could find a new use.

### 3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

Please give reasons for your answer:

N/A

### 4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above

**(Please note that non-compliance with the duty to co-operate is incapable of modification at examination).**

*You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

In 'a', insert "permanent" before "building" and delete the words "structurally sound and".  
 In 'f', add "significant" before "adverse".  
 In 11.50, replace "structurally sound" with "substantially entire".  
 Reword 11.51 in entirety: "This policy will allow the retention for residential use of any redundant or derelict building in the countryside that retains a significant element of character that is appropriate in its rural setting, irrespective of its structural soundness. The judgement as to whether to allow its conversion should not be based on matters that in legislation properly belong to Building Regulations, but should depend on whether its planned use and design are in accordance with national and local planning policy alone – in particular DM1 - and are suited to the particular location."  
 In 11.53 last line replace "can" with "should".  
 Delete 11.57 and re-number.

### 5. Independent Examination

**If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?**

Yes

*If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:*

I may wish to give examples of how such buildings have been restored well and also of where they have been allowed to crumble because the current local policy has insisted on structural soundness as a criteria; also same as DM23. Ideally in the same oral session as SP1, DM1/23/31.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

### 6. Notification of Progress of the Local Plan Review

**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

*Tick*

The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

*Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.*

<b>Signature</b>		<b>Date</b>	<b>3 March 2023</b>
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	11.107-11.122
Policy:	DM31 Residential Amenity
Appendix:	
Policies Map:	
Other:	

### 1. Legally Compliant

*Please see the guidance notes for an explanation of what 'legally compliant' means.*

**Do you consider the Local Plan Review is legally compliant?**

Yes

*Please give reasons for your answer:*

N/A

### 2. Soundness

*Please see the guidance notes for an explanation of what 'soundness' means.*

**Do you consider the Local Plan Review is sound?**

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
<b>Positively Prepared:</b> The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
<b>Effective:</b> the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		

Please give reasons for your answer:

In an urban setting, where residential development is within a short distance of public open space, the need to achieve wider sustainability policy objectives can mean that to insist on a minimum length or area of private amenity space, irrespective of the functional needs of future occupants, is not always justified.

What matters, is whether the occupants have access to the benefits that come from outdoor exercise and the natural environment, with all the health benefits it brings and with the added advantage that access to public open space of makes social contact easier and leads to a more vibrant local community.

This particularly applies to urban settings with their advantages of easy access to other facilities by means of active travel: schools, shops, hospitality venues, etc.

By removing any requirement for a specific size of private outdoor amenity space, other than for functions such as hanging out the washing, spaces for growing salads or flowers, or generally personalising that space within reasonable limits, planning policy will enable more effective use of high value urban land and therefore promote more sustainable urban communities, where residents care more for their shared outdoor spaces than for private gardens that many neglect and may find a burden to maintain.

The proposed change of policy here will increase choice for some households want a house for their small family but who would otherwise be denied access to decent sustainable living space with any totally private outdoor amenity space, in soulless blocks of flats.

### 3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

Please give reasons for your answer:

N/A

### 4. Proposed Changes

**Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).**

*You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

Delete "iv" in DM31 and renumber 'v' as 'iv'.

Add new 11.110 after 11.109 and re-number: "Proposals to provide shared private space between neighbouring dwellings within a new development will be considered if they can demonstrate outcomes more likely than not to improve neighbourly relations. However a clear distinction will need to be made between such private space for the development's residents only and public open space available to all."

Add after existing 11.113 new paragraph and re-number: "In urban settings near public parks or high quality public open spaces (such as a canal towpath or riverside right of way), a reduction in private amenity space standards may be acceptable if access to those public spaces is within 5 minutes on foot."

## 5. Independent Examination

**If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?**

Yes

*If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:*

I wish to provide evidence of public and academic support for these changes.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

## 6. Notification of Progress of the Local Plan Review

**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

*Tick*

The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

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<b>Signature</b>		<b>Date</b>	<b>3 March 2023</b>
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	6.19-6.20
Policy:	DM35 – Sustaining Rural Economy
Appendix:	
Policies Map:	
Other:	

### 1. Legally Compliant

*Please see the guidance notes for an explanation of what 'legally compliant' means.*

**Do you consider the Local Plan Review is legally compliant?**

Yes

*Please give reasons for your answer:*

N/A

### 2. Soundness

*Please see the guidance notes for an explanation of what 'soundness' means.*

**Do you consider the Local Plan Review is sound?**

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
<b>Positively Prepared:</b> The plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		
<b>Effective:</b> the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		

Please give reasons for your answer:

In the absence of the wider context that can be provided to decision makers in development management by landowners and rural businesses, it can be difficult to appreciate the longer term objectives behind a particular development proposal in the countryside. Therefore the creation of West Berkshire Rural Business Forum in late 2022 is greatly welcomed.

We see a need for some mention of this Forum in the new Local Plan. This would encourage better relations between the Council and rural businesses and landowners facing the immense challenges of climate change, and with the wider rural community. As their elected representatives, the Council - especially in its role as Local Planning Authority - should lead initiatives such as Whole Estate Plans that should help achieve more timely decisions and better outcomes for all.

In the absence of this proposed change, policy for sustaining a prosperous rural economy may not achieve its aim as successfully as it should with the more proactive involvement of the Council through the Rural Business Forum. In particular, we see this change as encouraging the production of Whole Estate Plans by larger estates.

### 3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what ‘Duty to Cooperate’ means.

**Do you consider the Local Plan Review complies with the Duty to Co-operate?**

Yes

Please give reasons for your answer:

N/A

### 4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Add to end of 12.18: "Reference to Whole Estate Plans, prepared with the active involvement of appropriate officers of the Council and other public bodies, will normally be taken as evidence in support of specific development proposals. In their absence, decisions may be delayed while equivalent comprehensive evidence and negotiations have to take place."

### 5. Independent Examination

**If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?**

Yes

*If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:*

To give evidence as to how we see the Rural Business Forum assisting with achieving the objectives of the policy.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

### 6. Notification of Progress of the Local Plan Review

**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

	<i>Tick</i>
The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

*Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.*

<b>Signature</b>		<b>Date</b>	3 March 2023
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**Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.**



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## Creation of Service Director for Children's Social Care and Service Director for Education and Special Educational Needs and Disabilities

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<b>Committee considering report:</b>	Extraordinary Council
<b>Date of Committee:</b>	19 December 2023
<b>Portfolio Member</b>	Councillor Heather Codling
<b>Report Author:</b>	AnnMarie Dodds Executive Director of Children's Services
<b>Forward Plan Ref:</b>	C4481

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### 1 Purpose of the Report.

- 1.1 It is crucial that the Council has sufficient capacity at senior level to continue the operations of the organisation and can fulfil statutory responsibilities and respond to challenges that face the Council. The changes to our services, expectations of our customers & partners, and the workings of the Council have all changed significantly in recent years. The increasing level of demand and complexity of need, pace of change, accessibility and availability of current and potential services, and latest inspection frameworks place new and increasing demands from children and families on the Council.
- 1.2 The senior management structure of the Council has been subject to a variety of reviews over recent years. This report's purpose is to set out the proposed senior management structure across the Council, and focussing on children's services, with greater resilience in Children's Services (People Directorate) to respond to the challenges facing Social Care, SEND (Special Educational Needs & Disabilities) and Education. As part of the SMR 2019 report, a decision on the Heads of Service posts in Education and Children's Services was to be made in the future, as the original report had a single joint Service Director for Children and Young People.
- 1.3 The proposed structure will bring Children's services in line with the wider council senior directorate structures, and appendix B(i) has the latest Council senior management structure appended.

### 2 Recommendations

It is recommended that Council:

- 2.1 Approve the creation of two Service Director (SD) posts in the Children's (People) Directorate; a Service Director Children's Social Care and a Service Director Education and Special Educational Needs and Disabilities (SEND).
- 2.2 Subject to recommendation 2.1, approve the latest senior management structure shown at Appendix B(ii).
- 2.3 Note the deletion of the existing Head of Children and Family Services and Head of Education posts.

### 3 Implications and Impact Assessment

Implication	Commentary
<p><b>Financial:</b></p>	<p>A total of £39,600 additional funding will be required for two SD posts.</p> <p>(1) Immediate recruitment to the Service Director posts at a full year cost of £271,120, assuming an appointment from April 2024 at mid-point.</p> <p>The posts will be partly funded using the existing Head of Service posts. Additional costs will be secured through investment.</p> <p>The annual cost of the Service Director posts will be in the region of £271,120. The post-holders will report to the Executive Director Children's Services (People).</p> <p>The annual cost of the existing Heads of Service posts is £231,520. The shortfall to be secured through investment to cover both posts of £39,600.</p>
<p><b>Human Resource:</b></p>	<p>Effective and clear communication will be required prior to any recruitment processes being commenced. UNISON have been informed of the proposal.</p> <p>The current interim Head of Service post holders are permanent employees of West Berkshire Council and will return to their substantive posts with Children's Services and/or apply for the proposed SD posts should they be approved.</p> <p>It is intended that the interim arrangements will continue until the proposed SDs are permanently in post.</p> <p>The current interim post holders have been informed of the proposals and the indicative timescale should the proposals be approved.</p> <p>It is expected that the posts will be advertised internally and externally from early January 2024. Appropriate assessment centres and final recruitment panels will follow.</p>

<b>Legal:</b>	The Head of Paid Service (the CEO) is required under the Constitution to report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers (Part 2, Article 10.8). This report ensures effective compliance with that duty.			
<b>Risk Management:</b>	There is limited risk in the proposed model.  Risk lies in failing to address the lack of strategic capacity in Children's services by failing to replace interim operational Heads of Service posts with Service Directors.			
<b>Property:</b>	None.			
<b>Policy:</b>	This proposal is impacted by HR policies and procedures in relation to Job Evaluation, Pay and Grading, Organisational Change and Redundancy and Recruitment. The proposals already take account of these policies.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	X			Once posts are created, they will be advertised internally and externally for all staff to be able to apply for as in all other posts. Once any new posts are created, they will be evaluated based on up-to-date information.

<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	X			As above.
<b>Environmental Impact:</b>		X		None.
<b>Health Impact:</b>		X		None.
<b>ICT Impact:</b>		X		None.
<b>Digital Services Impact:</b>		X		None.
<b>Council Strategy Priorities:</b>	X			<p>A fairer West Berkshire with Opportunities for all.</p> <p>Thriving communities with a strong local voice.</p> <p>A more efficient Council will enable the new Council Strategy to be delivered in a more cost-effective way.</p>
<b>Core Business:</b>	X			The SD roles will improve the Council's overall strategic direction, management of statutory functions, efficiency and core business for children and families (the customer).
<b>Data Impact:</b>		X		None.

<b>Consultation and Engagement:</b>	Internal communication has taken place and UNISON have been informed of this report and communication.
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## 4 Executive Summary

- 4.1 The proposal is to create two Service Director (SD) posts (replacing interim Heads of Service) in the Children's (People) Directorate; a Service Director Children's Social Care and Service Director Education and SEND.
- 4.2 The creation of the SD posts will provide greater strategic capacity and direction across children's services. Managing the changing and increasingly complex demands faced across both social care and SEND whilst also providing system leadership across the changing landscape of education across West Berkshire.

## 5 Supporting Information

### Proposal

- 5.1 At present strategic leadership in children's services is delivered by the Executive Director (ED) of Children's services. Heads of Service roles reporting to the ED predominantly undertake operational management of children's services. As Such strategic capacity is limited. This interim arrangement has been in place for a significantly longer period than originally expected. The Creation of 2 x Service Director (SD) posts will replace the existing interim arrangements. The heads of service posts will be deleted.
- 5.2 The interim post holders will return to their substantive posts upon the appointment of the 2 x SDs. Both post holders may apply for the new SD posts. The new posts will be advertised both internally and externally.
- 5.3 The senior structure with 1 Executive Director and 2 x SDs is consistent with the senior structure across similar sized local authorities. It reflects the risks managed by the individual SDs holding significant practice, financial and reputational risk across social care and SEND. Both areas of business are high cost to the council and carry pressure through individual inspection regimes. Recent financial and operational challenges across social care and SEND have demonstrated the need for greater strategic leadership capacity replacing existing predominantly, reactive, operational management.
- 5.4 In line with the paper produced for the creation of the 2 x EDs the CEO requested the ED Children to review the interim positions beneath them and bring recommendations forward for consideration for permanent appointments.
- 5.5 In October 2022, the Executive Director of People commissioned an independent review on the structure and delivery of the Education Service, the review considered national and local context. The review provided a focus on the senior leadership options at the Head of Service/Service Director level across Education Services and Children

and Families. The report concluded that two Service Directors should be recruited to, one for Children and Families and one for Education Services. (Appendix C).

- 5.6 Once in post it is expected that the 2 x SDs will support the ED in conducting a full strategic review of the structure of Children’s service including the completion of a zero-based budgeting exercise. This will ensure that resources across the children’s services department are appropriately placed. It will also ensure a fit for purpose and agile children’s service department that can meet the needs of modern and adaptive children’s services.
- 5.7 As part of the strategic review of children’s services consideration will need to be given to the effective strategic management of the Delivering Better Value Programme and the design and delivery of Early Help functions across both social care and SEND.

Appendix A shows the current ‘As Is’ and ‘To Be’ proposed structures.

**HR Process**

- 5.8 Appointments to the roles of the permanent Service Directors will be based on current recruitment and redundancy policies and will be advertised internally and externally as with all previous posts through a member appointment panel. Job descriptions will be provided, and the grades evaluated.

**Financial Implications.**

- 5.9 The costs of the new posts versus, relevant established posts have been summarised below.

	<b>Existing funding</b>	<b>Future additional funding requirement 2023-24</b>	<b>Future additional Funding requirement 2024-25</b>
2 Service Directors	2 Head of Service SCP 62 to 67	£39,600	2 Service Directors SCP 68 to 72 plus, inflation new funding
<b>Total</b>	<b>£231,520</b>	<b>£39,600</b>	<b>£271,120</b>

**6 Conclusion**

- 6.1 These proposals bolster the resilience and management capacity for Children’s Services and will speed up the pace of change across areas of highest risk including SEND; Delivering Better Value and Children’s Social Care, and ensure we are as effective and efficient as possible.

## 7 Appendices

- 7.1 Appendix A – ‘As is’ and ‘To Be’ structures in Children’s Services
- 7.2 Appendix B(i) – Current Senior Management Structure (to follow)
- 7.3 Appendix B(ii) – Proposed Senior Management Structure
- 7.4 Appendix C - Education Review West Berkshire Council Report October 2022

### Background papers

Senior Management Review 2019

<https://decisionmaking.westberks.gov.uk/documents/s73555/8d.%20Senior%20Management%20Arrangements%20Initial%20Proposals%20E2.pdf>

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#### Subject to Call-In:

Yes:  No:

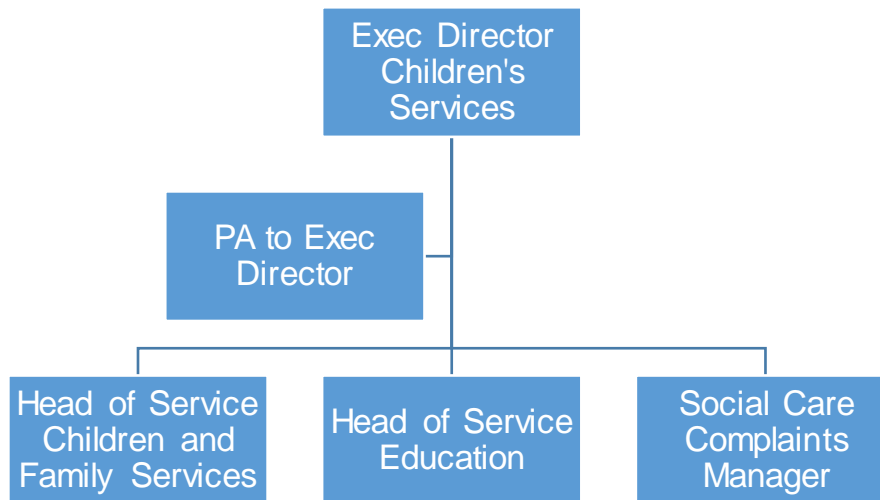
- The item is due to be referred to Council for final approval.
  - Delays in implementation could have serious financial implications for the Council.
  - Delays in implementation could compromise the Council’s position.
  - Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months.
  - Item is Urgent Key Decision
  - Report is to note only
-

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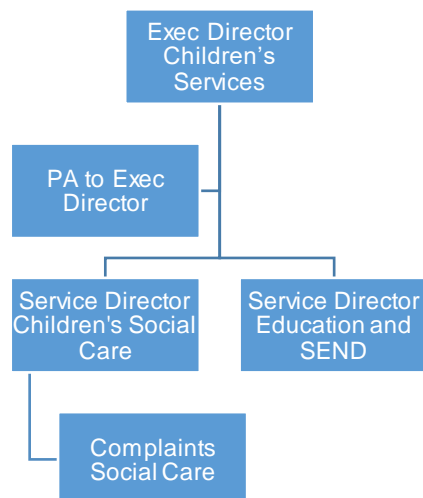


## Appendix A

### 'As Is' Structure for Children's Services

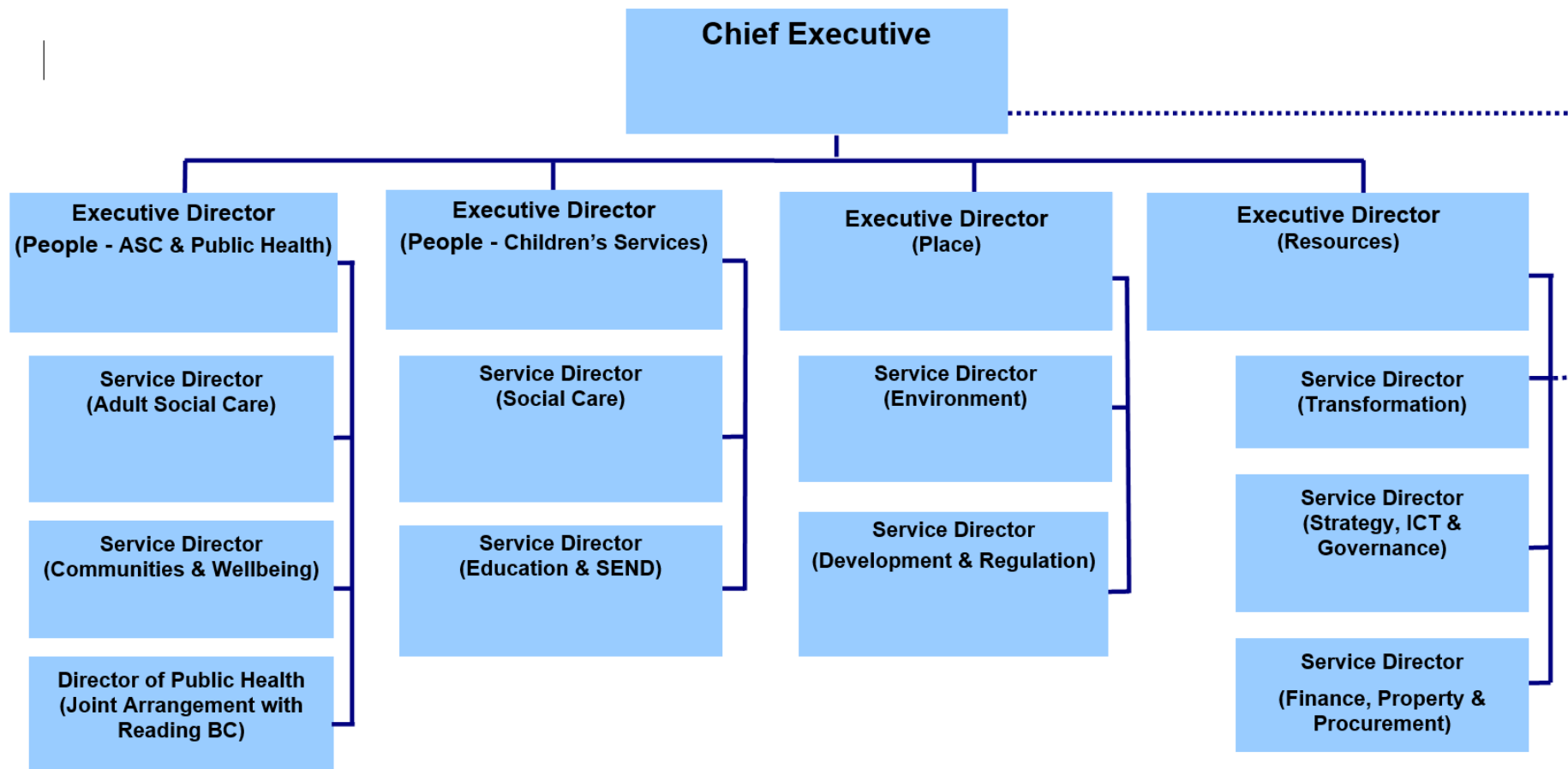


### 'To Be' Structure for Children's Services



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## Proposed West Berkshire Council Senior Management Structure



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## **Appendix C**

### **Education Review West Berkshire Council Report October 2022**

Chris Baird  
CJB Leadership and Consultancy Ltd

#### **A Introduction**

1. This review was commissioned by the West Berkshire Executive Director People to provide a view on the structure and delivery of the Education Service, taking into account national and local context. The review provides a focus on the senior leadership options at the Head of Service/Service Director level across Education Services and Children and Families. It also considers current funding arrangements, the value of trading and the work with schools including the relationship with Schools Forum.
2. A summary of the review is provided. There is then a series of sections that contain summary information, evidence considered and possible ways forward.
3. The review was carried out through considering a range of information including national White and Green Papers, consultations and inspection frameworks; Council-wide and local area plans, performance information and trends (including pre-pandemic), current structure arrangements, financial information including budgets and outturns for the last three years, trading income and trends. Ofsted/CQC inspections were reviewed alongside West Berkshire reports including Schools Forum papers as well as internal review reports.
4. A series of interviews took place over the review from August to October 2022 including sessions with the Chief Executive, Cabinet portfolio holder, Executive Director, Heads of Service for Children and Families and Education Services, sessions with Education Services Service Leads, the Service Lead for Quality Assurance and Safeguarding, and with headteachers across all phases of education, including the chairs of primary, secondary and special school headteacher groups. Comments were given in confidence and my thanks to all those in West Berkshire that gave their time and also supported the review by providing information and answering queries.
5. Comparisons were made with other local authorities and an exercise was carried out to determine current market rates for tier 2 and 3 roles covering Education and Children's Services.

#### **B Summary**

1. Education Services are part of the local and national system of education and also of support for children and their parents/carers. There are significant pressures of demand, complexity and volume alongside increasing difficulties in recruitment of specialist roles

across public services and wider roles (for example transport drivers) which provide challenges to service delivery and to budgets. This in a wider context of budgets under pressure for the local Council and services as well as at national level. There are also longstanding systemic issues such as those surrounding Special Educational Needs and Disabilities (SEND).

2. National Government produced a series of White and Green Papers as well as changes to statutory guidance in 2022. The stop-start nature of national government in the summer 2022 does not negate the fact that, at the time this report was written, it seems all will require a response in changing services and budgets over time.
3. West Berkshire Education Services have been working with schools, including Schools Forum to proactively respond to this context. Despite this work the service area and the Council continue to experience pressures. This is not unusual for a Local Authority (LA), particularly in relation to SEND services and placements and school transport.
4. West Berkshire has a track record of strong performance in a range of education indicators. The SEND inspection by Ofsted/CQC 2018 was positive, though some years ago. The recent Safeguarding Inspection of Children's Services West Berkshire 2022 gave an overall judgement of Good. There is much that other LAs would be envious of. However, there are some longstanding areas of relatively poor performance particularly for children vulnerable to poor outcomes (Closing the Gap/Diminishing the Difference). At a national level these are being linked to the "Levelling Up" agenda. There is work to do locally to determine what more can be done collectively and an opportunity to work as a Council with schools and settings.
5. West Berkshire Education Services are funding from the typical sources, predominantly the Dedicated Schools Grant (DSG), Council core funding, trading and other income such as grants. There is a well-developed approach to the use of the DSG, to de-delegation and also to trading. Senior leaders in Education proactively identify opportunities to use DSG and also to trade. The contribution to services from Council core funding is appropriate. The use of DSG and trading has reduced pressure on Council budgets over a period of time and will continue to do so. Trading is well developed and there has been a proactive approach to develop trading, to address emerging needs of children and pressures for services and school places. However, the overall pressures may be more than can be contained by this approach. This appears to be acknowledged at a national level with regard to the High Needs block in DSG for example.
6. Schools value the relationship with Education Services. There are a range of approaches in schools, working with children and their families. This reduces pressure on Council services and there may be more opportunities to develop the approach with Children and Family Services and others to maximise effectiveness.
7. The relationship between schools and Education Services has been significantly developed over time by the outgoing Head of Service and the current management team and staff. There are considerable strengths to this; it does carry with it a high

degree of personalisation. This will necessarily change with the Head of Service's retirement.

8. There is a perception amongst some of those interviewed outside of Education Services that the Service and the Head of Service offers a higher level of service than could be provided given budget constraints and anticipated pressures going forward. The review found that most of the spend on Education Services was appropriately from DSG, trading and other income. The Council does not provide significant funding from its core budget to any areas that would be unusual compared to other Councils.
9. There continues to be a key role for the LA in leading the education system at a local level. Academisation may be a long-term programme to at least 2030. The DfE is not expecting change to happen quickly and the national system is not set up to achieve this. West Berkshire will need to continue to deliver its LA responsibilities for maintained schools for many years to come unless significant change takes place driven by national government. There appears to be no immediate appetite amongst a number of schools to change their status. There will be a need to continue to provide strategic leadership for the Education System across West Berkshire, with the DfE and in working with schools on the academisation journey if that is the continued direction of travel at a national level. This includes single convertor academies as well as maintained schools. Leadership will be required to maximise benefits for West Berkshire children and plan for any changes to the Council, including budget impact.
10. SEND – addressing increase demand and being inspection ready. This will include maximising existing staffing and resources whilst recognising they will not be sufficient and setting out how to work in this context. Refreshing the SEND Strategy in light of the Green Paper and revised SEND area OfSTED/CQC inspection framework (which appears to be much more demanding), will require significant preparation and ongoing work. The strong involvement of the parent carer forum in West Berkshire is a real strength. There will be work to be done with partners including children's social care which will require dedicated capacity and leadership at both Service Lead and Service Director level.
11. The role of the LA in relation to attendance is changing, there are changes in expectations on LAs for children missing education, elective home education, alternative provision. This appears to be being planned for but will require further attention and development, including how soon-to-be statutory functions will be provided for free to all schools and potentially off-set somewhat with traded activities. This will require leadership and development.
12. The review has looked at different models of senior leadership, the West Berkshire organisational model that was approved in 2019 and the potential to combine functions into one role at Service Director level. Current market rates and roles have been reviewed, alongside structures from other local authorities. There appears to be significant risk in trying to replace the two Head of Service posts with one Service Director. The required span of services aligned with the necessary capacity, experience and skill would make it a highly unusual post at the level that it is placed in West

Berkshire's structure compared to other LAs. The number of direct reports, if kept the same as current arrangements, would make it extremely difficult to deliver effectively. There is not a realistic opportunity of combining responsibilities into fewer posts at the same level of Service Lead.

13. A market rate benchmarking exercise does not suggest that the pay range for a Service Director, even with an additional increment, would match the current salaries being paid for Director of Children roles, or indeed Assistant Director roles in other LAs. It is recommended that two Service Director posts are recruited to, one for Children and Families, one for Education Services. This would provide the necessary capacity and expertise for the organisation, particularly as West Berkshire has an Executive Director structure that covers both the Director of Adult Services and the Director of Children's Services in one post, along with other responsibilities.
14. The location of the Quality Assurance and Safeguarding services and the Children with Disabilities Team was reviewed, and the location is more dependent on effective working relations and capacity of the managers managing them, rather than there being a definitive right answer to this.

### **C Scope of the Review**

1. The Executive Director People commissioned a high-level review of Education in West Berkshire to provide a view on current structure and delivery model within the Education Service and existing levels of value for money. This within the context of the national government White and Green papers related to Education and Special Educational Needs and Disabilities. Additional context included the government's agenda regarding "Levelling Up", the County Strategy and the local context which includes high performance in a range of areas, recent good Ofsted inspection outcomes and some longstanding issues for children growing up in West Berkshire including the continued attainment gaps for pupils vulnerable to poor outcomes.
2. The review also focused on current funding arrangements, traded activity, the context of the dedicated schools grant, school budgets and pressures, the high needs block and the strategy to address demand and cost pressures. The review considered, at a high level, the current approach to school performance and the resources being deployed against the national context including the government's aim to have all maintained schools either as academies or with plans to become an academy in a robust multi academy trust by 2030. The relationship between Education Services and schools was considered, alongside the relationship between schools and the Council as a whole.
3. A key aspect of the review was to consider the current senior management structure, in light of current staff at the start of the review moving on. This in light of the longstanding West Berkshire operating model that was approved in 2019. The review was asked to consider the proposal to move to a single Service Director to cover the current Education Services and Children and Families Services, the capacity levels linked to delivery requirements and the current market for senior roles in the sector, alongside



any national trends that could inform West Berkshire's considerations on a future senior management model.

4. The review focus set out by the Executive Director also allowed for any other issues identified through the review process to be considered. This has included the current Quality Assurance and Safeguarding function and the location of Children with Disabilities team.

## D Background

### 1. Role of local authority

The core roles for the local authority in terms of education include:

- the duty to **improve the wellbeing of young children** in their areas and reduce inequalities, including in relation to education
- **ensure there is enough childcare available** for every eligible two, three and four-year-old to access their free childcare entitlements every week
- **ensure there is sufficient high quality school places**. This includes strategic planning, commissioning, coordinating, delivering capital schemes and working with the DfE on delivery where they lead the project
- **a role in school improvement** (NB Academies and maintained schools are responsible for their improvement) including strategic system leadership, risk assess and challenge, enable support for maintained schools, and working with DfE including the Regional Director, Diocesan Boards of Education. This includes challenging academy performance
- **provide fair access** – admissions (including coordination of admissions), Attendance, Fair Access Protocol, Alternative Provision, Children Missing Education, some responsibilities re. Elective Home Education
- **Special Educational Needs and Disabilities (SEND)** system leadership as well as directly responsible for services to deliver assessment, planning, provision and review of Education Health and Care Plans
- **Arranging and providing transport** in some circumstances
- Providing a **Virtual School for children in care** (recently expanded to children with a social worker)

2. The White Paper "Opportunities for all – Strong schools with great teachers for your child" March 2022 envisaged changes for the local authority including a lead role in providing a stronger and fairer school system, attendance, admissions for example. Once all schools become academies the White paper does not propose a role for school improvement.

3. However, from a local democratic perspective Councillors will still be representing their local people and will probably want to ensure that their local schools are high performing and West Berkshire children are receiving high quality education and doing well. The White paper is silent on this democratic role.

## E Context

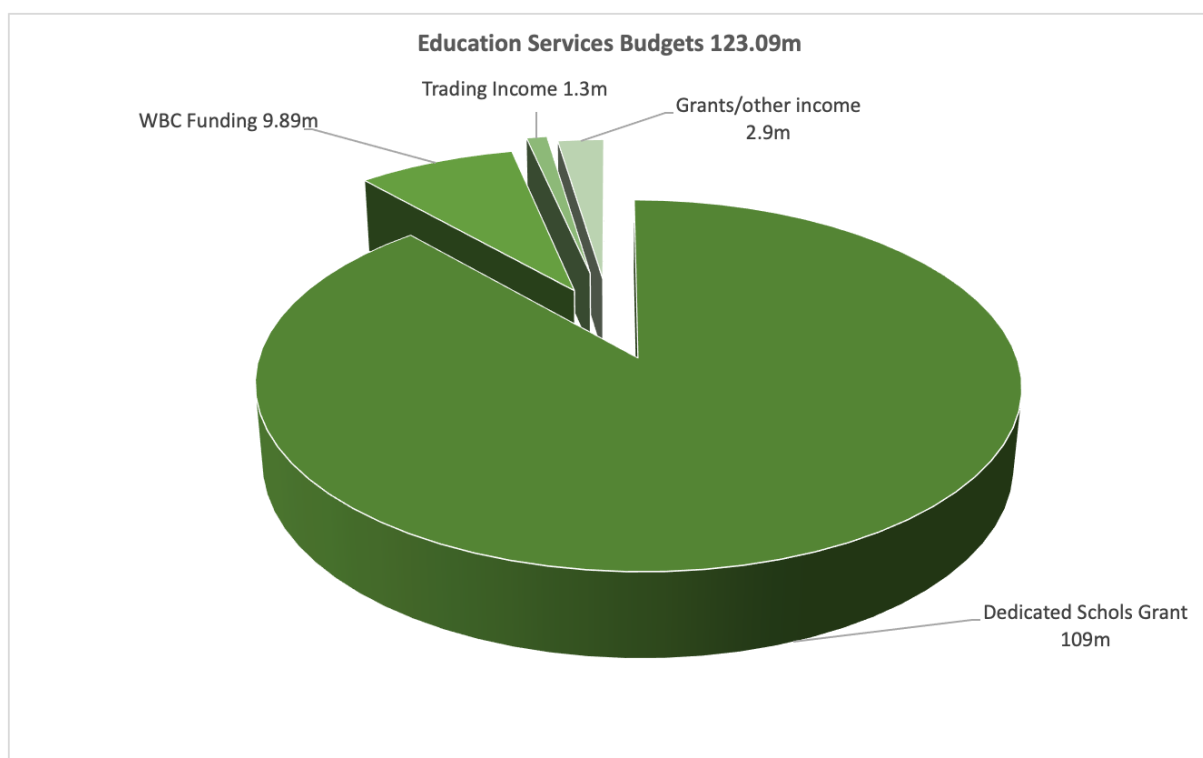
1. The review considered Education in West Berkshire within the national as well as local context including White and Green papers issued in 2022. "Opportunities for all – Strong schools with great teachers for your child" March 2022 set out the government's aspirations for education. Strong schools, great teachers, helping every child fulfil their potential ensuring they receive the right support, in the right place at the right time.
2. This in the context of education recovery and catch-up post-pandemic. What has also occurred is the range of factors contributing to the cost of living crisis as well as longer term issues that were experienced pre-pandemic. These include recruitment and retention of a range of specialist posts such as therapists, educational psychologists, social workers as well as teachers, headteachers and principals. What has also become more acute has been the difficulties in recruiting support staff such as teaching assistants who play an important role in schools, including supporting and enabling the education and development of pupils with SEND – those at the SEN support stage as well as those with Education Health and Care Plans (EHCPs).
3. The review found evidence of the difficulties in recruiting adding to the challenges of providing support and education within schools. This could add pressure to the push for different placements if parents/carers do not feel that their child's needs are being met. However, these recruitment difficulties are being felt across the education sector, in special schools as well as mainstream.
4. Pressures in the SEND system are longstanding, including overspends in many LA areas on the High Needs Block, increasing pressure on special school places, independent placements, increases in Tribunals. It appears that post pandemic some of these pressures have intensified and West Berkshire has experienced increases in requests for assessment, increasing pressure for special school places, independent placements and an increasing number of Tribunals. Such issues will also increase the pressure on transport budgets, compounded by other factors such as inflation and difficulties in recruiting and retaining drivers.
5. The SEND Green Paper, launched as a consultation document March 2022, is now with government to set out the next steps. The Green Paper focused on delivering improved outcomes for children and young people with SEND or who need alternative provision. The intention is to build confidence and improve experiences within the government's stated aim of a financially sustainable system. There is widespread recognition that the current arrangements are not financially sustainable nor able to achieve balance against budgets.
6. OfSTED/CQC are finalising a revised local area inspection framework for SEND. The emphasis will be on the quality of delivery for children with SEND (those without EHCPs as well as those with) and their families. The inspection will focus on how services in an area work together to achieve outcomes for children. It will in all probability be a much more challenging inspection framework than the current one, which focused on the implementation of the SEND reforms from 2014 onwards.

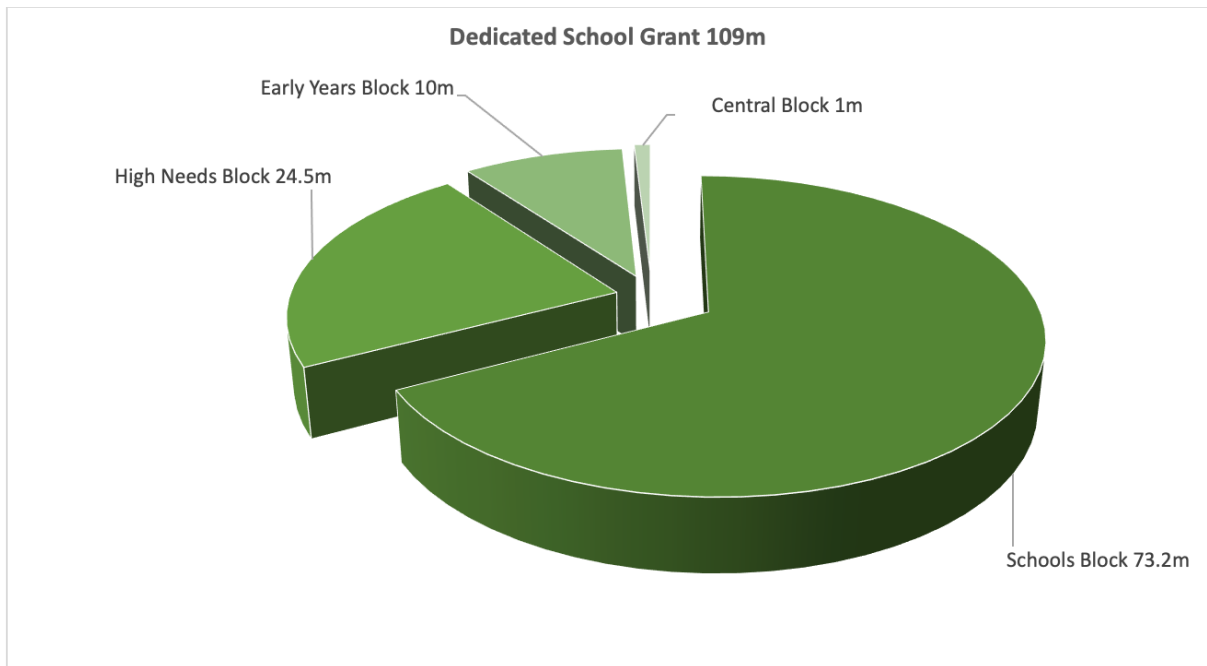
7. The government had launched a major “Levelling Up” agenda and with the change in Prime Minister there may be a change in emphasis. However, the longstanding issue in West Berkshire in terms of narrowing the gap/diminishing the difference appears to be a continued challenge. It is too early to judge whether this has become more of an issue since the summer results have not been verified at the time of this report. But this was an issue that all interviewed agreed was still a key area of focus and some views expressed the worsening picture for families because of the cost-of-living crisis.
8. A key part of the Schools White Paper 2022 was the desire to see all maintained schools become academies or have plans to become an academy within a strong performing multi academy trust (MATs) by 2030. Single academies are encouraged to join MATs, small MATS are being encouraged to become larger. There is a current test and learn initiative within the DfE, set to work with a small number of LAs to see how a LA MAT might work, covering 8-10 schools.
9. What is clear is that this is not a LA running a number of schools and having a direct responsibility and governance relationship. Instead, the proposal sees LA MATs as a concept that fills a gap in the market where all other MAT approaches cannot provide (including faith based MATs for example). A LA MAT would be independent of a local authority, a company limited by guarantee with its own members and trustees. The LA would have limited influence on members and trustees and could influence the educational principles for example. But the initiative is not looking to replicate the old LEA arrangement at a micro level.
10. The role of the LA in relation to attendance is changing. National Government has set out revised arrangements, due to become statutory by September 2023 with the expectation that LAs start to put new arrangements in place before then. There is no new money available, but government is expecting services that were commonly traded by LAs to now be made available free to all schools, including academies. This will require leadership and development and the Service Lead responsible for this area is making preparations.
11. The work area of safeguarding children and families continues to be high profile with increasing complexities and challenges, not least the nationwide difficulties in permanent recruitment of qualified social workers. The Independent Review of Social Care led by Josh MacAlister has produced a report and recommendation which government is to respond to. The national agenda as well as local issues will require significant knowledge, capacity and experience to respond to effectively.

## F Findings

### F.1 Funding

1. The charts below indicate the current funding of Education Services. The majority of funding is provided through the Dedicated Schools Grant (DSG) which is itself broken down into nationally prescribed components.





2. Whilst there may be some views that the Education Service offers a service which might be reduced to save money, in reality much of what is provided in this regard is being paid for by budgets outside of the Council's core funding (with the exception of home to school, SEND and post 16 transport and the Council's contribution to placement costs for example). It is of note that school improvement has had an agreement to be de-delegated as well as traded. It therefore is not coming out of the Council's core budget.

## **F. 2 Trading and De-delegation**

1. Trading forms part of the funding of the service. Examining traded income figures and current performance West Berkshire has a well-developed approach to trading. There has also been use of de-delegation (maintained schools agreeing for money to be passed back to the LA to fund services) including to fund school improvement as grant is being removed by national government.
2. In terms of value for money, schools buying back is an indication of their view on value for money. There may be a risk to traded income as school budgets become squeezed, but Education Services managers are well aware of this and actively working with schools to tailor the service offer, adjust in light of service pressures (such as attendance) and continue to maximise value and income. This is an appropriate and proactive response and also minimises potential impact to Council funding. It can also have additional benefit in terms of job enrichment and aid retention and recruitment, for example for the Educational Psychology Service.
3. The traded services to schools include early years training and support, school improvement and governor services as well as services to support children with additional needs. Over a number of years these services have been tailored and developed to meet the needs of schools. There are a range of packages on offer, including spot purchase opportunities.

4. As an overall position the trading offer is strong with evidence of purchase from maintained and academy schools. The financial figures reviewed indicate that traded services continually cover their costs as well as the income targets. Managers all evidenced a strong awareness of financial implications and were looking for opportunities to develop services further (for example building on the approach of therapeutic thinking), and to continue to cover costs, address any pressures as well as being mindful of the squeeze on schools and the potential decreasing buy-back due to this. This has not yet come through in any great degree to trading this year.

### **F. 3 Relationship with schools**

1. It is evident that there is a strong relationship with schools, between schools and with Education Services. There is also a strong and developed working relationship with West Berkshire Schools Forum. Headteachers spoke of the high value they place on this relationship and on the work of Council staff throughout the pandemic, with a recognition of many staff working above and beyond, constantly being helpful and working with schools to find solutions over the two and a half years.
2. It is probable that this relationship is one of the reasons why, particularly at primary, so many schools are still maintained by the LA. This is set against a lack of perceived benefits of academisation. It is not evident that the new White Paper 2022 has provided any fresh impetus and given the government's own timescales it would be prudent to plan for a significant number of maintained schools continuing to have this status for the medium term.
3. Of note is the work that schools are doing to support children and their families. From the evidence considered in the review schools are providing a range of support which could be labelled early help. They are doing so without Council funding but are probably saving the Council money both in terms of prevention and in keeping families together, lessening the pressures on social care services. This is hard to measure directly but it was evident from both staff and schools that this was valued work that schools got on with, with the support of those service that work closely with them.
4. A range of services promote inclusion and whilst there are clearly pressures and these are sometimes seen as keeping children in mainstream that should be in special, West Berkshire is in a relatively strong place compared to many LAs.
5. The relationship with schools and Schools Forum is evident in the range of services that have been approved as spend to save, using DSG rather than Council budgets including business cases to lessen the pressure for out of county places, reduce the pressure on high tariff services and also increase the support in mainstream. Innovation has taken place and has also attracted funding from health service commissioners in relation to emotional wellbeing support (Emotional Health Academy, run by the Educational Psychology Service). These services are mitigating the pressures in SEND and also for Council budgets, including transport as well as specialist staffing budgets which the

Council are the sole funders of. Examples given included £129k of spend resulting in £1m cost avoidance.

6. Within a context of increasing demand and cost pressures it is evident that the picture for the Dedicated Schools Grant, the High Needs block as well as Council funding would have been significantly worse had not proactive action been taken over a number of years. Action has included putting in place preventative services as well as an agreement to de-delegate funding for some services as well as transferring money from the Schools Block to the High Needs Block.
7. These budgets will come under pressure due to the squeeze on Education and Council finances. The Council has a duty to provide and ensure delivery. What can be built on is the development of further spend to save/cost avoidance approaches through refreshing the SEND strategy for example. It is evident that the Service Lead has a range of ideas to develop with parents and carers and with schools. These will look to utilize the DSG in the first instance, rather than be offered as traded services to maximise availability and promote children being able to stay in mainstream schools. The intention is to support children without the need for EHC Plans, or in mainstream without the need for special school placements. It is a forward thinking and positive approach at a time of significant demand. It is also not looking to use Council funding.

#### **F 4 Additionality of the Senior Management Approach**

1. The review has found that much of the additionality has been provided through the style and patterns of work of individuals. For example, the Head of Service has been seen to be always available on the phone. The Head of Service has been involved in all head teacher interviews. It is also evident that the individual worked in a very committed way. There appears to be a culture of this with the senior leaders in Education Services which is welcomed by the schools spoken to.
2. New leadership will inevitably do things differently and this will recalibrate the relationship. There may be some friction to this, but it is also a chance to maximise distributed leadership, particularly as the Service Leads are very experienced and appear very competent. Many LAs would welcome having such a management group at a time when it is difficult to recruit skilled, experienced managers in these service areas. This stands West Berkshire in good stead to interpret and respond to the national changes and expectations including
3. What is evident is that there are committed staff to West Berkshire. They take pride in working for the area, working for the children, families and communities and with and for the schools. This also includes going above and beyond, include being available and the hours that they work. At a senior level this is perhaps to be expected, but it is still evident and commendable.

#### **G Structure**

The review was commissioned to provide a specific recommendation in respect of the required senior capacity for Education at Assistant Director level in the context of the South

East Employers report i.e. a stand alone role, a combined post with Children & Family Services or any other alternative supported by the findings of the review. This is considered first before moving onto the other requirements from the review regarding service structure and risk.

### **G 1 Structure – Senior Manager Role**

1. This is a key consideration for the review. It was evident in talking to the cabinet member, Chief Executive and Executive Director as well as Heads of Service, Service Leads and some school leaders that the final proposal on the senior management arrangements agreed by the Executive in 2019 required careful consideration. The proposal that was taken forward in West Berkshire provided a leaner management structure overall, being cost neutral and recognising that there would be uplifts in pay for the new posts. The creation of Service Director posts and the deletion of Head of Service posts was to happen over time.
2. The independent review carried out by South East Employers (SEE) contributed to the decision making process and explored a number of structural options. The structure set out the creation of three Executive Directors reporting to the Chief Executive, with 7 Service Directors replacing 13 Head of Service posts. The proposed Service Director (Children and Young People) was to be kept under review and not immediately implemented. The intention was that it include Children and Family Services as well as Education Services.
3. The SEE paper noted that the statutory role of Director of Children’s Services could be located in either the Executive Director People role or the Service Director (Children and Young People) which would then attract an additional payment. Transition to the new structure was to take into account the age and experience of the then workforce and move when opportunity arose, including retirement. This has now taken place with the Head of Service, Education Services retiring and the Head of Service, Children and Families taking a job in another LA.
4. Noted in the review was the particular concern expressed at the scale of the role resulting in merging Children and Families and Education in the proposed Service Director. The review recognised the need for further consideration of the proposed Service Director (Children and Young People) and that functional integrity was also important alongside a degree of pragmatism. The review proposed a Service Director with additional responsibilities.
5. At the time of the SEE review in 2019 it was noted that the Head of Children and Families Services had been appointed and that an additional payment had been required to secure appointment. A range of benchmarking information was contained in the SEE report, alongside recognition that LAs did organise themselves differently and that similar jobs could contain variation in duties and also salary. Evident in that review were a range of LAs paying Director of Children’s Services at a tier 2 level.
6. To help West Berkshire consider how to take the senior management roles forward the following points are made:



- The Executive Director, People has significant and wide-ranging responsibilities including statutory roles of Director of Adult Services and Director of Children Services. The role necessarily relies on expertise held within roles directly reporting to it, which themselves cover significant areas of Council responsibilities. These areas are often complex, wide ranging and containing a high degree of Council, service, reputation and financial risk.
- The Executive Director and Service Director roles are expected to provide expertise and leadership. Included within this is advice to elected members, particularly the cabinet and portfolio holders. The level of expertise required to fulfil either the Director of Adult Services or Director of Children’s Services is in most local authorities supported by Assistant Directors or equivalents.
- Roles in many other local authorities at the Assistant Director level often cover either Children and Families services or Education Services but not both. They may have elements which fit in either role’s area of responsibility such as early help, children with disabilities. Some elements such as quality assurance, commissioning, performance can sometimes be held in an Assistant Director (or equivalent) role. These roles in themselves rely on posts reporting into them to have specific areas of responsibility and in-depth knowledge and expertise of a range of their service areas.
- The current Heads of Service in West Berkshire for Children and Families and Education Services have 6 and 5 direct reports respectively. If nothing changed at this level, it would leave a Service Director with 11 direct reports. I suggest that for a role at this level this is too many, particularly given the level of complexity, risk and span of each of these service areas.

### **G 1.2 Financial Implications**

Providing a Service Director with 2 deputies that would then have the Service Managers would cost more compared to having two Service Directors

Two Services Directors at £94k	£188k
One Service Director at £94k, two posts at £82k	£258k

Benchmarking can be useful to give an indication of what other LAs are doing, and also what the market is like should West Berkshire try to recruit externally. It is recognised that there is a local context to recruitment and to pay, spans of responsibility, target operating models. The following was found as part of this review:

#### **Unitary Local Authorities**

##### **Assistant Director (AD) Safeguarding / Education**

London Borough of Haringey – AD Safeguarding & Social Care Up to £115k

London Borough of Lewisham – Assistant Director Education Services Up to £110k

Bracknell Forest Council – Assistant Director – Education and Learning £105k - £110k

Herefordshire Council – Service Director, Safeguarding and Family Support Up to £99k

Herefordshire Council – Service Director, Safeguarding, Quality Assurance and Improvement Up to £99k

London Borough of Lambeth – Assistant Director Family Support and Child Protection Up to £95k (reports into Director of CSC)

North Northamptonshire Council – Assistant Director Education £84,215 - £94,521

### **Director Children's Services (DCS)**

London Boroughs of Richmond and Wandsworth DCS Upto £190k

Bracknell Forest Council – Executive Director of People (DCS and DASS) £165k - £170k

Achieving for Children (AfC) – DCS Up to £160k

London Borough of Lambeth – DCS Up to £160k

London Borough of Tower Hamlets Corporate Director of Children and Culture (DCS) Up to £140k

London Borough of Corporate Director of Children and Families (DCS) Up to £140k

London Borough of Hammersmith and Fulham Up to £140k

Reading BC/BFFC Exec Director of Children's, Education and Early Help (DCS) £115,054 – £139,976

North Northamptonshire Council – Executive Director of Children's Services (DCS) Up to £135k

St Helens – Director of Children and Young People's Services (DCS) Up to £130k

Cheshire East Council – Executive Director of Children's Services (DCS) Up to £130k

### **Recommendation**

It is difficult to see how a Service Director (Children and Families) post covering Children and Families and Education Services could be recruited to successfully at a salary of c. £94k. If West Berkshire did manage to recruit it would raise questions about the quality and experience of the individual and may place significant risk to the Council.

It is recommended that two Service Directors are recruited to, one for Children and Families and one for Education Services.

### **G 2 Potential Structures and Delivery Models and Risks**

1. The review was commissioned to consider existing potential structures and delivery models in the context of the key areas of focus with associated recommendations. It was also asked to give an assessment of risk in terms of maintaining delivery against aspiration in the context of proposed changes.
2. Education Services have been well led and well run. There are experienced and dedicated managers at Service Lead level who can provide stability and leadership at a time when the organisation will look to decide what to put in place at tier 3 for Education Services and Children and Family Services. LAs have different structures to discharge their statutory responsibilities and local priorities. Some LAs have developed trading, others have retreated from this. Some now commission services to provide LA functions, maintaining a relatively small commissioning function either within corporate services and/or within children or education services.
3. Given West Berkshire's strong service base, alongside the need to recruit senior leadership it is recommended that any service or structural changes are considered once permanent recruitment has taken place.

4. Two specific areas were identified to be considered during this review and are set out below:

### **G 2.1 Quality Assurance and Safeguarding Service**

1. There were questions raised during the review about the location of this service. Alongside this the discussion in the review focused on current service practice, the quality assurance framework, caseloads, learning from audits, approach to learning and the service culture. The review had limited time to look at this area and any further consideration would need more in-depth work, tied into the final decisions regarding senior management roles and any other service and structure considerations taking place in People Services for example.
2. The Independent Review of Children's Social Care led by Josh MacAlister makes significant and contentious recommendations about the role of Independent Reviewing Officers (IROs), including removing the role, increasing the role of advocacy and by implication expecting service managers to pick up work that currently is held by IROs. How this will be responded to by government is unclear and West Berkshire should wait until there is a clear national position before undertaking significant change. Caseloads are on the higher end of what is reasonable and higher than the IRO handbook would expect.
3. The Quality Assurance tool, when used as intended has been highlighted by Ofsted in the last inspections as effective. It is the embedding of the tool to drive forward quality of practice and outcomes for children that was noted as an area to progress. This points not to where the service is located but how the quality assurance work across the whole service area of Children and Families social work is considered, consistently implemented and valued, within the context of a service rated Good by Ofsted, but facing increase demand, pressures and some difficulties in recruitment.
4. Having the service sit outside of Children and Families Safeguarding does take place in some other LAs, for example reporting to a different Assistant Director with safeguarding responsibilities (sometimes across children and adults in terms of quality, performance, safeguarding practice, principal social worker functions), or as part of a commissioning service. Equally some LAs have it reporting directly to a Director of Children's Service, or to an Assistant Director Children and Families. Ofsted can be critical of the location if the service is deemed not to be performing, if it is performing, they seem not to comment on the location. So West Berkshire should focus on making arrangements effective rather than believing a structural solution will simply improve the situation.

### **G 2.2 Children with Disabilities Team**

1. The Children with Disabilities (CWD) team has been within Education Services since 2008. It appears that there have been benefits to this arrangement including greater understanding of legislation, guidance and best practice across CWD and SEND teams, joint working of cases, making the most of children in need reviews, social care input into Education Health and Care Plans. There has also been a joint budget enabling

decisions to be made without differences of opinion on use of funding and funding splits.

2. There may be some disadvantages including the CWD team not feeling totally secure through a matrix management arrangement to cover social care practice and decision making. A number of local authorities have moved their social care teams within their wider social care safeguarding services, often due to concerns over social care practice, including decision making particularly around child protection and safeguarding. It is also done to support court work. A factor to consider is the work that is being generated by the SEND Green Paper and the need for focus and capacity to work through any changes that national government requires. The new area SEND inspection framework will also require capacity to respond to so that West Berkshire is well prepared.
3. This service could sit in another area but consideration on the above points as well as the increasing work required due to the pressures felt in the local area around SEND, preparation for inspection and where other services might or might not be located between Education Services and Children and Families are all factors in determining where best to locate the service. It is recommended that this be considered once permanent appointment is made at the tier 3 level.

Chris Baird  
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28 Oct 2022

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## Update on the Appointment of and Allocation of Seats on Committees for the 2023/24 Municipal Year

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<b>Committee considering report:</b>	Extraordinary Council
<b>Date of Committee:</b>	19 December 2023
<b>Portfolio Member:</b>	Councillor Lee Dillon
<b>Report Author:</b>	Sarah Clarke
<b>Forward Plan Ref:</b>	C4477

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### 1 Purpose of the Report

- 1.1 At the Annual Meeting of Council which took place on the 25 May 2023, Council considered and approved a report detailing the allocation and appointment of seats on Committees.
- 1.2 The Council has a duty under section 15 of the Local Government Housing Act 1989, to review the allocation of seats as soon as practicable following any change to the groups. Following the formation of a new political group, known as the Minority Group, this report proposes a number of changes to the allocation of seats and appointments to Committees.

### 2 Recommendations

- 2.1 That the Council notes that under paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, notice has been received that the Members set out in paragraph 5.2 are to be regarded as Members of the Liberal Democrat, Conservative, and Minority Groups respectively.
- 2.2 That the Council approves the allocation of seats to the Political Groups in accordance with section 15(5) of the Local Government Act 1989, as set out in Table A at paragraph 5.8 of the report.
- 2.3 That the Council approves the changes to the membership of Committees detailed in Appendix A to this report.

### 3 Implications and Impact Assessment

Implication	Commentary			
<b>Financial:</b>	No new implications arising from this report. Members Allowances are met from within existing budgets in accordance with the proposals agreed by Council.			
<b>Human Resource:</b>	None			
<b>Legal:</b>	The allocation of seats to the Political Groups is in accordance with section 15(5) of the Local Government Act 1989 and related regulations mentioned in the report.			
<b>Risk Management:</b>	None			
<b>Property:</b>	None			
<b>Policy:</b>	The appointments and allocations will be made in accordance with the Council's statutory obligations.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		

<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
<b>Environmental Impact:</b>		X		
<b>Health Impact:</b>		X		
<b>ICT Impact:</b>		X		
<b>Digital Services Impact:</b>		X		
<b>Council Strategy Priorities:</b>		X		
<b>Core Business:</b>		X		
<b>Data Impact:</b>		X		
<b>Consultation and Engagement:</b>	Relevant Members have been consulted.			

## 4 Executive Summary

- 4.1 This report sets out the Membership of the Political Groups following receipt on the 30<sup>th</sup> November 2023, of a notice pursuant to regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 that a number of Members wished to be treated as a political group known as the Minority Group. As a result of that change, the Council is required under the provisions of the Local Government Housing Act 1989 to review the allocation of seats to different groups.
- 4.2 The Council is required to appoint Committees and other Member bodies that are not part of the Executive.

- 4.3 The report proposes some minor changes to the allocation of seats on Committees to the different political groups, and proposes a number of changes to the Membership of Committees.

## 5 Supporting Information

- 5.1 This report sets out the Membership of the Political Groups and the proposed allocation of Committee seats to the different Groups.

### Political Groups

- 5.2 In accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, the under-mentioned Members have given notice of their wish to be regarded as Members of the Political Groups set out below.

<b>Liberal Democrat Group</b>	<b>Conservative Group</b>	<b>Minority Group</b>
Antony Amirtharaj	Dennis Benneyworth	Adrian Abbs
Phil Barnett	Dominic Boeck	Carolyne Culver
Jeff Brooks	Paul Dick	David Marsh
Nick Carter	Clive Hooker	Clive Taylor
Patrick Clark	Paul Kander	
Heather Codling	Jane Langford	
Martin Colston	Ross Mackinnon	
Jeremy Cottam	Biji Oloko	
Iain Cottingham	Richard Somner	
Laura Coyle	Jo Stewart	
Lee Dillon	Howard Woollaston	
Billy Drummond		
Nigel Foot		
Denise Gaines		
Stuart Gourley		
Owen Jeffery		
Janine Lewis		
Alan Macro		
Geoffrey Mayes		
Erik Pattenden		
Justin Pemberton		
Vicky Poole		
Chris Read		
Matthew Shakespeare		
Stephanie Steevenson		
Louise Sturgess		
Martha Vickers		
Tony Vickers		



- 5.3 It is proposed at recommendation 2.1, that the Council notes that under Paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, notice has been received that the Members set out in Paragraph 5.2 are to be regarded as Members of the Liberal Democrat, Conservative and Minority Groups respectively.
- 5.4 The Council is required to appoint Committees and other Member bodies that are not part of the Executive. Membership of the Council's Committees is agreed annually at the May Council meeting and must be reviewed as soon as practicable following a change in membership of the Groups.

### **Allocation of Seats**

- 5.5 The political balance of the Council currently stands as follows:

	<b>Number of Members</b> No.	<b>Political Composition</b> %
Liberal Democrat Group	28	65.12%
Conservative Group	11	25.58%
Minority Group	4	9.3%
	<b>43</b>	<b>100</b>

- 5.6 In allocating seats on Committees, the Council must give effect to the requirements for political balance on Committees as prescribed by section 15 of the Local Government and Housing Act 1989. These requirements apply only to voting members of the Committee.
- 5.7 This section creates a sequential test that must be adhered to when allocating seats to the Committees of Council, which provides as follows:
- (1) Not all seats on any Committee are to be allocated to the same political group.
  - (2) The majority of seats on any Committee must be allocated to the majority group.
  - (3) Subject to the satisfaction of the above statutory criteria, the total number of seats on ordinary Committees must be allocated to political groups in the same proportion as their representation on the Council.
  - (4) Subject to all the above, the number of seats on each Committee must be the same proportion as the political group's representation on full Council.

Having regard to the above, it is proposed that the seats on Committees should be allocated as follows:

<b>Table A</b>				
<b>Committee</b>	<b>Total Number of Seats</b>	<b>Liberal Democrat Group</b>	<b>Conservative Group</b>	<b>Minority Group</b>
Scrutiny Commission	9	5	3	1
Health Scrutiny Committee	5	4	1	0
Licensing Committee	12	7	3	2
District Planning Committee	11	8	2	1
Eastern Area Planning Committee	9	5	3	1
Western Area Planning Committee	9	5	3	1
Personnel Committee	5	4	1	0
Appeals Panel	12	9	3	0
Governance Committee	9	6	2	1
<i>Number of committee seats based on % of Council</i>		52.8	20.7	7.5
<b>Number of Seats Allocated</b>	<b>81</b>	<b>53</b>	<b>21</b>	<b>7</b>
<i>Percentage of Seats on Council</i>		65.1%	25.6%	9.3%
<b>Percentage of Seats Allocated</b>	<b>100%</b>	<b>65.4%</b>	<b>25.9%</b>	<b>8.7%</b>

5.8 It is recommended (at 2.2) that the Council agrees to the allocation of seats to the Political Groups in accordance with section 15(5) of the Local Government Act 1989 as set out in Table A above.

## **Substitutes**

- 5.9 The Council is also required to determine the number of substitute Members that may be appointed in respect of each Committee, and this was determined by Council in May 2023.
- 5.10 Proposed changes to the substitutes for each Committee, if required, will be detailed at Appendix A.

## **Appointment to Committees**

- 5.11 Appendix A is a list of proposed changes to the membership of Committees.
- 5.12 It is proposed that the Council approves the appointment of Members to the Committees as set out in Appendix A, which are in accordance with the wishes of the Political Groups.

## **Proposals**

- 5.13 As detailed in this report, in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, 28 Members wish to be regarded as members of the Liberal Democrat Group, 11 Members wish to be regarded as members of the Conservative Group, and 4 Members wish to be regarded as members of the Minority Group.
- 5.14 Members, and where appropriate substitutes, will be appointed to 8 Committees totalling 81 seats. In this case 53 of these seats will be allocated to Liberal Democrat Members, 21 to Conservative Members, and 7 to Minority Group Members.
- 5.15 It is proposed that the appointments to Committees are made in accordance with the wishes of the Political Groups and as set out in this report.

## **6 Other options considered**

- 6.1 None as the Council is required to consider and review membership of committees on an annual basis and following a change to the membership of Political Groups.

## **7 Conclusion**

- 7.1 Members are asked to agree the updated allocation of seats on the Committees for the 2023/24 Municipal Year as detailed at Table A, and to approve the changes to membership of Committees as detailed in Appendix A.

## **8 Appendices**

- 8.1 Appendix A – Proposed changes to membership of Committees (to follow)

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## Background Papers:

Report for the 'Appointment of and Allocation of Seats on Committees for the 2023/24 Municipal Year' that considered at the meeting of Council on the 25th May 2023:

<https://decisionmaking.westberks.gov.uk/documents/s113285/FINAL%20-%20Allocations%20Report%202023%202024.pdf>

### 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 Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only
- 

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