

West Berkshire District Council

Representations to the Cold Ash Neighbourhood Development Plan Submission (August 2023)

- 1. Background to the Cold Ash Neighbourhood Development Plan (NDP)**
- 1.1. For a neighbourhood plan to be put to referendum, they must meet a set of tests that are set out within paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. The tests are known as the basic conditions, and those relevant to neighbourhood plans are as follows:
 - (a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
 - (d) the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
 - (e) the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
 - (f) the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
 - (g) prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).
- 1.2. Cold Ash Parish Council, as the qualifying body, applied for the designation of the Hermitage Neighbourhood Area. This was formally designated by West Berkshire District Council (WBDC) on 19 March 2018. The Neighbourhood Area covers the Parish of Cold Ash.
- 1.3. Since the designation of the Neighbourhood Area, Cold Ash Parish Council alongside its residents, have been working together to create a Neighbourhood Development Plan (NDP).
- 1.4. Following evidence gathering and preparing the plan, the pre-submission version of the Cold Ash NDP was subject to a 6-week consultation between 1 March and 19 April 2023. Following this consultation, the feedback provided to the Neighbourhood Plan Group was reviewed and considered alongside feedback from statutory stakeholders. WBDC submitted representations to the consultation which aimed to provide advice as to where policies, sections or paragraphs within the NDP may be improved with a view to ensuring conformity with the Basic Conditions. For this consultation we have provided further advice on each of the policies and the plan in general. This is set out within Section 3 below.
- 1.5. Points (f) and (g) above relate to certain obligations which plans must adhere to, primarily in relation to habitats and environmental impacts. Some plans require a Strategic Environmental Assessment and/or a Habitat Regulations Assessment.
- 1.6. A screening opinion to determine if Strategic Environmental Assessment (SEA) and/or Habitat Regulations Assessment (HRA) is required was originally prepared by

WBDC in December 2021. This was subject to a 5-week consultation with the three statutory bodies (Environment Agency, Historic England and Natural England) who concurred with WBDC that neither a SEA nor HRA were required.

- 1.7. On 16 March 2022, Natural England designated the hydrological catchment of the River Lambourn (which is a Special Area of Conservation) as a Nutrient Neutrality Zone due to the unfavourable condition of the watercourse because of unnaturally high levels of phosphorus. The NNZ covers the northern and western parts of Cold Ash Parish, and the draft plan was re-screened to consider its impact upon the NNZ.
- 1.8. The second screening opinion was published in November 2022. This was subject to a 5-week consultation with the three statutory bodies (Environment Agency, Historic England and Natural England) who concurred with WBDC that neither a SEA nor HRA were required.

2. WBDC's acceptance of the Cold Ash NDP

- 2.1. Cold Ash Parish Council submitted the NDP to West Berkshire District Council (WBDC) on 20 June 2023 and this was accompanied by the following documents:
 - Basic Conditions Statement
 - Consultation Statement
 - SEA/HRA Screening Report – Post-consultation Version (December 2021)
 - SEA/HRA Screening Decision (December 2021)
 - SEA/HRA Screening Report – Post-consultation Version (November 2022)
 - SEA/HRA Screening Decision (November 2022)
 - Cold Ash NDP Evidence Lost
 - Cold Ash NDP Evidence Underpinning the Spatial Strategy for the NDP
 - Cold Ash NDP Regulation 14 Feedback
- 2.2. The above documents are considered to adequately fulfil the submission requirements under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 and Schedule 4b of the Town and Country Planning Act 1990, as inserted into Schedule 10 of the Localism Act 2011.
- 2.3. WBDC are therefore satisfied that the qualifying body of Cold Ash Parish Council had satisfied the relevant regulatory requirements to advance the Cold Ash NDP to the publicity and consultation stage (Regulation 16) and subsequent submission of the NDP for independent examination.
- 2.4. In addition, WBDC is satisfied that the Cold Ash NDP does not include any development which would be defined as 'excluded development' as prescribed by Schedule 9, Section 61k of the Localism Act.
- 2.5. At submission, WBDC undertook a Legal Compliance Check to determine if the submission requirements as set out in legislation have been met. The Legal Compliance Check, which is included within Appendix A.

3. WBDC's representations on the submission Cold Ash NDP

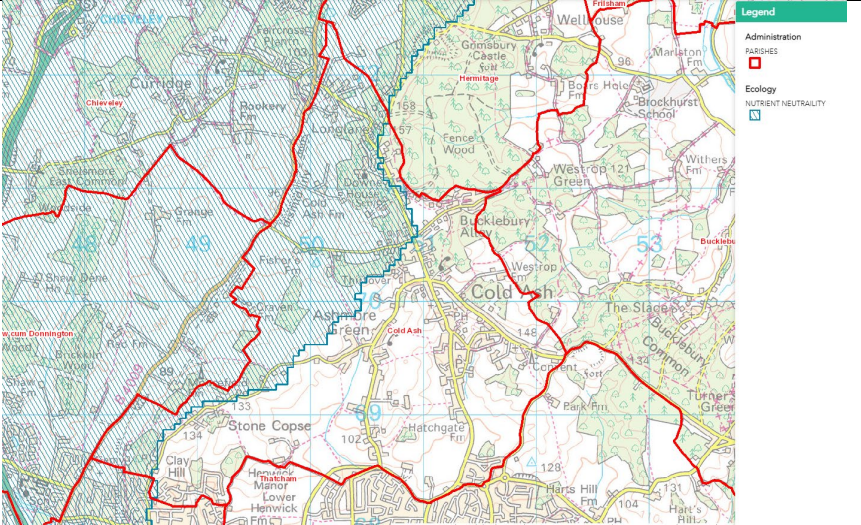
- 3.1. At this 'draft plan' stage of the neighbourhood plan making process, the Local Planning Authority (LPA) is not required to consider whether the draft plan meets the basic conditions. It is only after the independent examination has taken place, and after the independent examiner's report has been received, that a LPA must come to a formal view on whether the draft neighbourhood plan meets the basic conditions.
- 3.2. The LPA should provide constructive comments on an emerging plan before it is submitted.
- 3.3. WBDC made representations as part of the consultation on the pre-submission (Regulation 14) version of the Cold Ash NDP. To inform the response, the Planning Policy Team requested the following service areas review the NDP:
 - Archaeology
 - Development Management
 - Drainage and Flood Risk
 - Conservation & Design
 - Ecology
 - Environment Delivery
 - Highways
 - Housing
 - Infrastructure
 - Planning Policy
 - Transport Policy
- 3.4. Table 3.1 below shows WBDC's representations made in April 2023, and a further response to the submission consultation. The above-mentioned services were also contacted for comments on the submission version of the NDP.

Table 3: WBDC’s representations on the Cold Ash NDP regulation 16 submission consultation

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
Contents page	In the contents page it would be helpful if the policy references could be included.	Change made and no further comments.
First paragraph, Executive Summary	<p>Comments from Gareth Ryman, Principal Ecologist:</p> <p>Incorrect that parts of Cold Ash are the highest point in Berkshire – look at Combe and Streatley land heights.</p>	Change made to refer to some of the highest points in West Berkshire. No further comments received from the Ecology Team.
First paragraph, Executive Summary	<p>It is suggested for clarity that the first sentence refers to the North Wessex Downs Area of Outstanding Natural Beauty (AONB). You could reword to:</p> <p>‘Cold Ash parish is diverse in nature, sitting partially within an area of the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and comprising....’</p> <p>Overall the Executive Summary provides a clear and succinct summary of the Plan, and links back to the overall vision of the Plan.</p>	Change made and no further comments.
Paragraph 1.11	<p>The West Berkshire Minerals and Waste Local Plan (2022-2037) was adopted on 1 December 2022 (https://www.westberks.gov.uk/mwlp) and this supersedes both the Replacement Minerals Local Plan for Berkshire and the Waste Local Plan for Berkshire. The bullet points should therefore be updated as follows:</p> <ul style="list-style-type: none"> ● Replacement Minerals Local Plan for Berkshire – incorporating alterations adopted in December 1997 and May 2001 ● Waste Local Plan for Berkshire adopted December 1998 ● West Berkshire Minerals and Waste Local Plan (2022-2037) 	Change made and no further comments.
Paragraph 1.12	<p>This paragraph could be re-worded to clarify that the Core Strategy Development Plan Document (DPD), the Housing Site Allocations DPD and the Saved Policies of the West Berkshire District Local Plan 1991 to 2006 together comprise the current Local Plan. The paragraph could also explain why the Local Plan is being reviewed</p> <p>The paragraph could be reworded into two paragraphs as follows:</p>	Change made and no further comments.

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
	<p><u>The current Local Plan comprises of the Core Strategy Development Plan Document (DPD), the Housing Site Allocations DPD, and the West Berkshire District Local Plan 1991-2006 (Saved Policies). The current Local Plan plans for development up to 2026 and in line with the NPPF, must be kept up-to-date and look ahead over a minimum 15 year period. The A Local Plan is therefore undergoing review to cover the period to 2039. Upon adoption, the West Berkshire Local Plan Review 2022-2039 is currently being developed and will replace in one document the three existing WBC documents mentioned above.</u></p> <p>Of the sites allocations <u>ed in Cold Ash</u> noted in the West Berkshire Core Strategy 2006-2026 and the Housing Site Allocations DPD 2006-2026 relating to Cold Ash, Site Policy HSA7 (St. Gabriels Farm The Ridge Cold Ash) has already been built out/nearing completion and Site Policy HSA6 (Poplar Farm Cold Ash) is not considered deliverable at this time.</p>	
Paragraph 1.13	<p>The first sentence in this paragraph can be updated to reflect that the Local Plan Review was submitted to the Secretary of State for independent examination in March 2023. It could be updated to read as follows:</p> <p>The West Berkshire Local Plan Review 2022-2039: Proposed Submission (Regulation 19 draft) (the LPR) was published for consultation in January 2023 submitted to the Secretary of State in March 2023 so that it can undergo independent examination.</p>	Change made (now paragraph 1.14) and no further comments.
Paragraph 1.13	<p>The Local Development Scheme is updated periodically and the URL currently provided in this paragraph is to the current version (published in January 2023). To future proof this paragraph, it is suggested that the following URL is used https://www.westberks.gov.uk/lds as any updates to the LDS will be published on this page.</p>	Change made (now paragraph 1.14) and no further comments.
Paragraph 1.19	<p>It would be useful for this paragraph to clarify that a housing requirement figure (of 40 dwellings) was originally identified for Cold Ash within the emerging draft of the Local Plan Review that was published for a Regulation 18 consultation between December 2020 and February 2021. The Steering Group undertook site selection work to try and identify</p>	Change made (now paragraph 20) and no further comments.

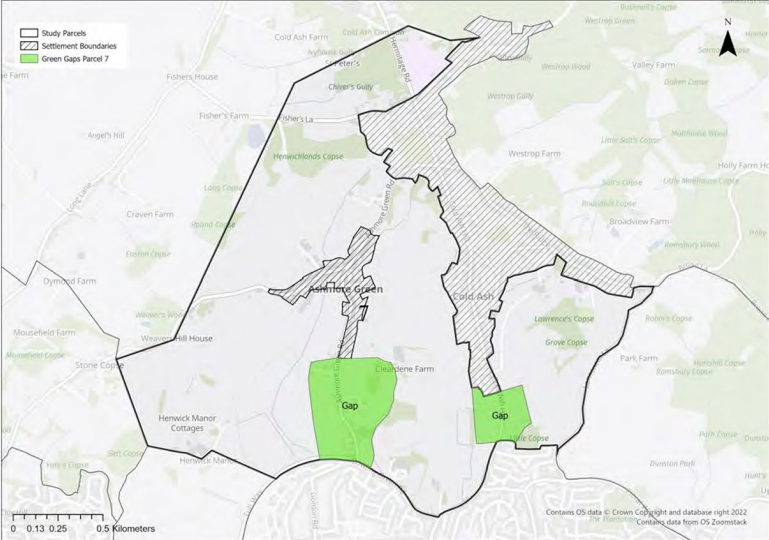
Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
	<p>suitable sites to meet this requirement, and this work should be linked to in this paragraph and included in Section 15 Reference Pack. Whilst this work identified one suitable site, it is located within the settlement boundary whereby there is a presumption in favour of development. The approach for the Local Plan has been to not allocate sites within settlement boundaries because the principle of development is already established.</p> <p>In light of the site selection work, the Proposed Submission version of the Local Plan Review did not identify a housing requirement for Cold Ash. As specified in paragraph 1.19 of the NDP, there are other sites that will meet the housing need in the District.</p>	
Paragraph 1.21	<p>For clarity, it could be mentioned within this paragraph that the primary purpose of AONBs, as set out within the Countryside and Rights of Way Act 2000, is to conserve and enhance the natural beauty of the area. Additional text could be added to the paragraph as follows:</p> <p>Straddling four counties, the North Wessex Downs is one of Britain's most beautiful chalk landscapes, recognisable by its dramatic scarp slopes, swathes of ancient woodland and sheltered valleys criss-crossed by rivers and streams. <u>As set out in the Countryside and Rights of Way Act 2000, the primary purpose of the AONB is to 'conserve and enhance the natural beauty of the area'.</u></p>	Change made (now paragraph 1.22) and no further comments.
Figure 1.2	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>It might also be useful to include a map which shows the area of Cold Ash Parish that falls within the Nutrient Neutrality Zone, eg.</p>	Change made and new Figure 3 included. No further comments received from the Ecology Team.

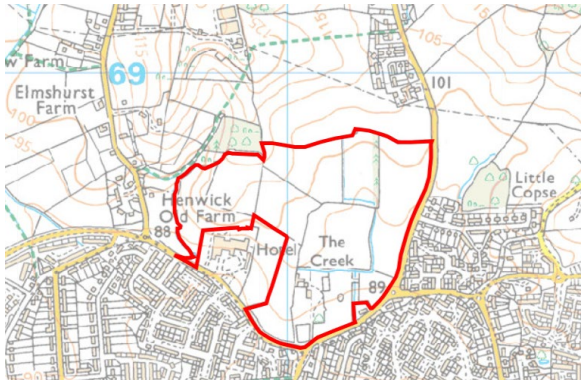
Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
		
Paragraph 1.26	<p><u>Comments from Fiona Simmonds, Education Place Planning Team Leader:</u></p> <p>The section on sustainability could include that development should be of the size and scale that it can be mitigated in the schools within Cold Ash. This would reduce the need for movements outside the village and improve the sustainability of any development.</p>	Change made and new paragraph (1.36) included. No further comments received from the Education Team.
Paragraph 2.6	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>Check Combe to see if the highest church site was here.</p>	Change made to reflect that St. Mark's Church one of the highest in Berkshire. No further comments received from the Ecology Team.
Paragraph 2.10	Include a link in the paragraph to the assessment of housing by Simon Vanstone	Link to assessment included. No further comments.
Paragraph 2.11	For clarity, it would be helpful to mention that it is policy ADPP1 (Spatial Strategy) of the West Berkshire Core Strategy Development Plan Document (which forms part of the Local Plan) that identifies Cold Ash as a Service Village. The paragraph could be reworded as follows:	Change made and no further comments.

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
	<p>Policy ADPP1 (Spatial Strategy) of the Core Strategy DPD identifies Cold Ash village as a local <u>S</u>ervice <u>V</u>illage. Service <u>V</u>illages are places <u>settlements which have a more limited range of services and have some limited development potential</u> where a small amount of development (particularly economic, or which extends the range of services available) may be appropriate.</p>	
Paragraph 2.12	Is it Simon's study that identifies that Cold Ash took the second highest increase in housing? If not, include a reference to the relevant source.	<p>The Consultation Statement comments that the reference is taken from the minutes of a meeting of West Berkshire District Council's (WBDC's) Planning Advisory Group (PAG).</p> <p>PAG is an officer and Member working group set up to support the execution of the Council's function relating to the development of the Local Plan and associated documents. It is a Part 2 meeting meaning that it is confidential, and the minutes are not in the public domain.</p> <p>Nonetheless, it is unclear at what PAG meeting this was discussed in and who made the comment.</p> <p>It is recommended that a modification is made to remove reference to this statement.</p>
Paragraph 2.12	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>Of all the local Service Villages <u>within West Berkshire</u>, Cold Ash</p>	Change made and no further comments received from the Ecology Team.
Paragraph 2.16	It could be mentioned here that the Core Strategy DPD identifies the Red Shute Industrial Estate as a Protected Employment Area.	Change made and no further comments.
First sentence of paragraph 2.17	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>The OS Maps states 155m above sea level.</p>	Change made and no further comments received from the Ecology Team.
Final sentence of paragraph 2.17	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>Which four counties can be seen? I can only think of three – Hampshire, Oxfordshire and Wiltshire.</p>	Change made and no further comments received from the Ecology Team.
2 nd bullet point, paragraph 2.21	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p>	Change made and no further comments received from the Ecology Team.

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
	Cold Ash Quarry is a Geological Site of Special Scientific Interest.	
4 th bullet point, paragraph 2.21	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>It appears there are more than seven Ancient Woodlands. Paragraph 2.28 mentions there are nine Ancient Woodlands.</p>	Change made and no further comments received from the Ecology Team.
1 st sentence, paragraph 2.28	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>The number of Ancient Woodlands specified is different to the number given in paragraph 2.21 (4th bullet point)</p>	Change made and no further comments received from the Ecology Team.
Paragraph 2.32	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>Reference should be made to https://www.gov.uk/guidance/landscape-and-seascape-character-assessments.</p>	Change made and no further comments received from the Ecology Team.
3 rd bullet point, paragraph 3.1	The third bullet point incorrectly identifies Lambourn as a Service Village. Lambourn is in fact a Rural Service Centre and in the settlement hierarchy, Rural Service Centres sit above Service Villages.	Reference to Lambourn removed. No further comments
Objective 2, paragraph 3.4	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>It might be worth adding something around the Local Nature Recovery Network for Berkshire here.</p>	Reference to the Nature Recovery Network has been made. No further comments from the Ecology Team.
Criterion 1 and 2, Policy CAP1: Location of Development	<p>Paragraph 16 F) of the NPPF states:</p> <p><i>'Plans should: ...f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).'</i></p> <p>Criteria 1 and 2 requires compliance with other policies in the West Berkshire development plan and therefore contrary to the NPPF. The policy should be reworded to avoid deferring to other development plan policies and be tailored more to Cold Ash's requirements. Please see a recent NDP Examiner's Report (paras 70, 76, 80) where this was identified as an issue by the Examiner and modifications made to remove sections of policy which deferred to the Development Plan.</p>	Reference to compliance with policies within the West Berkshire Development Plan removed. No further comments.

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
Criterion 2a, Policy CAP1: Location of Development		<p>The policy as written supports development proposals outside of the settlement boundary where it relates to 'appropriate uses in the countryside.</p> <p>Policy ADPP1 of the Core Strategy sets out the spatial strategy for West Berkshire district, and it identified a settlement hierarchy. Below the settlement hierarchy are two additional types of area, one of which is 'open countryside'. Open countryside refers to anywhere that lies outside of a defined settlement boundary.</p> <p>Within open countryside, only appropriate limited development will be allowed which focuses on addressing identified needs and maintaining a strong rural economy.</p> <p>To ensure that the policy is in general conformity with policy ADPP1, criterion 2 a should make reference to development that addresses identified needs and maintaining a strong rural economy.</p>
Criterion 2e, Policy CAP1: : Location of Development		<p>Reference is made to the 'West Berkshire Site Allocations Development Plan'. The correct name of this document is the 'Housing Site Allocations Development Plan Document'.</p>
Criterion 2 (final paragraph), Policy CAP1: Location of Development	<p>The policy identifies a Buffer Zone and it is unclear what evidence sits behind this.</p> <p>In November 2022 the West Berkshire Appropriate Countryside Designation Study was prepared by WBDC (https://www.westberks.gov.uk/local-plan-evidence#Other%20evidence%20base%20documents) and this study identifies if appropriate and specific planning designation for the countryside around the towns of Newbury and Thatcham is needed. The study recommends two parcels of land between Thatcham and Cold Ash and Thatcham and Ashmore Green (as shown in the diagram below) for potential green gap designation in the Local Plan Review:</p>	<p>The buffer zones as originally identified in Figure 4.1 of the pre-submission NDP have been removed from the submission version. Figure 6 (p.26) in the submission NDP now identifies a green gap.</p> <p>The supporting text to the policy at paragraphs 4.7 and 4.8 state that the green gap is based on that identified within the West Berkshire Appropriate Countryside Designation Study that was published in November 2022, but it has been "...extended out slightly".</p> <p>The Appropriate Countryside Designation Study has assessed the area to the north west of Thatcham (including</p>

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
	 <p data-bbox="439 847 707 863">Figure 14 – Parcel 7 Potential Green Gaps</p> <p data-bbox="427 906 1285 1086">Policy DM2 (Separation of Settlements Around Newbury & Thatcham) of the Local Plan Review (which was submitted to the Secretary of State for independent examination in March 2023) identifies that the two parcels of land as shown in the diagram above should be maintained to avoid coalescence and maintain the separate identifies of the settlements. The Buffer Zone is inconsistent with these two parcels of land.</p>	<p data-bbox="1317 292 2022 501">the settlements of Ashmore Green and Cold Ash) and it is referred to as Parcel 7. The assessment of Parcel 7 is contained within Appendix C (pp.140-150), and it concludes that parts of this parcel provide an essential gap between settlements, where development would significantly visually or physically reduce the perceived or actual distance between them.</p> <p data-bbox="1317 539 2022 655">The green gap identified within the NDP covers a significantly larger area than the two parcels recommended for green gap designation in the Appropriate Countryside Designation Study.</p> <p data-bbox="1317 694 2022 963">It should be noted that the Appropriate Countryside Designation Study has taken into consideration the Historic Environment Characterisation (2007), West Berkshire Landscape Character Assessment (2019), Thatcham Landscape Sensitivity study (2009) Local Landscape Areas, Thatcham Landscape Sensitivity Study (2009) Potential Strategic Development Sites, and the Landscape Capacity Assessment of Potential Housing Sites Within and Adjacent to the North Wessex Downs AONB: Thatcham (2015).</p> <p data-bbox="1317 1002 2022 1150">Policy CS19 of the Core Strategy is a strategic policy that seeks to conserve and enhance the diversity and local distinctiveness of the District's landscape character. The policy states that regard must be given to a set of criteria that includes:</p> <ul data-bbox="1317 1189 2022 1310" style="list-style-type: none"> • the sensitivity of the area to change; and • ensuring new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
		<p>The policy goes on to require that proposals for new development should be informed by and respond to a set of criteria that includes:</p> <ul style="list-style-type: none"> • the distinctive character areas and key characteristics identified in relevant landscape character assessments; and • features identified in various settlement character studies. <p>It is worth noting an appeal decision (ref: APP/WO340/W/16/3144193, LPA ref: 15/01949/OUTMAJ) for the site 'Land west of Heath Lane and North of Bowling Green Road, Thatcham' for residential development. This site (which is illustrated in the plan below) falls within the gap identified in the submitted NDP, however only a small part of the site falls within the gaps identified by the Appropriate Countryside Designation Study:</p>  <p>Whilst the appeal was dismissed, at paragraph 56 it states: <i>“The Secretary of State also weighs against the proposal the replacement of agricultural land with suburban development</i></p>

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
		<p><i>which would lead to a change in character of the land. However the Secretary of State considers that the impact of this change would be limited, not out of keeping with the present character of the area, and without having an unduly damaging effect on the setting of either Thatcham or Cold Ash. As such he gives this conflict moderate weight."</i></p> <p>The final paragraph of Criterion 2 of policy CAP1 is not in general conformity with policy CS19. It has not been demonstrated that the gap as identified in Figure 6 has been informed by any consideration of the sensitivity of the area to change. WBDC's evidence identifies that only part of the area identified in Figure 6 should be designated as a green gap.</p>
<p>Paragraph 5.3 (supporting text to policy CAP2: Local Character and Heritage)</p>	<p><u>Comments from Debra Inston, Principal Conservation and Design Officer:</u></p> <p>The Historic Environment Record (HER) contain details on local archaeological sites and finds, historic buildings and historic landscapes. Not all buildings, monuments, sites, places, areas or landscapes contained in the HER are considered non-designated assets within the meaning and definition contained within the NPPF. Each entry within the HER will have varying levels of heritage significance. To merit identification as a non-designated heritage assets the heritage significance would need to be towards the higher level.</p> <p>Paragraph 5.3 also states that non-designated heritage assets should be 'conserved'. This does not comply with national and local policy as there is no requirement in either national or local policy to conserve these assets. Instead the correct requirement is set out in paragraph 203 of the NPPF, which states that:</p> <p><i>'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required</i></p>	<p>Change made and no further comments received from the Conservation Team.</p>

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
	<i>having regard to the scale of any harm or loss and the significance of the heritage asset.'</i>	
Criterion A, policy CAP2		<p>This criterion requires development to conserve and enhance the character of the Zone that it is located in. The Zones are illustrated within Figure 7 which is included within the supporting text to the policy.</p> <p>Figure 7 includes a green gap which is introduced within policy CAP1. As set out above in the comments against policy CAP1, it has not been demonstrated that the gap has been informed by any consideration of the sensitivity of the area to change. WBDC's evidence does not suggest that the area identified in Figure 6 should be designated as a green gap.</p>
Policy CAP2: Local Character and Heritage	<p><u>Comments from Debra Inston, Principal Conservation and Design Officer:</u></p> <p>Policy CAP2 requires the submission of heritage statements for applications affecting heritage assets. The Council are currently updating our local validation list which will require heritage statements to be submitted with all listed building consent applications, and any planning application that has the potential to impact the significance of a heritage asset either directly or through development within their setting.</p>	No changes made and no further comments received from the Conservation Team.
Paragraphs 5.15-5.58	<p>The supporting text is quite lengthy and some of it reads as a policy, however the role of supporting text is to aid in the interpretation of the policy but cannot be used to prevail over the policy itself or insert new requirements. Paragraph 16 (f) of the NPPF states that:</p> <p><i>'Plans should ...f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).'</i></p> <p>This policy refers to other policies which is unnecessary and could cause confusion – any planning application would need to comply with all relevant policies.</p>	<p>Changes have been made to remove references to other policies, however no further changes have been made to the paragraphs (which are now 5.11 to 5.55). The Consultation Statement explains that the text underpins the policy so should be retained.</p> <p>Examples of where the supporting text reads like a policy includes the following paragraphs:</p> <ul style="list-style-type: none"> • 5.21 – Developments should not negatively impact the aesthetic qualities of the landscape. In addition to the views across the five counties, it is also important that

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
		<p>the views from the villages of Cold Ash and Ashmore Green to the wider countryside are maintained.</p> <ul style="list-style-type: none"> • 5.23 – any proposed development should conserve the diversity and mix of landscape character types in the parish. The expectation is that any new development will enhance the existing surroundings and be of an appropriate scale for the site. Developers are encouraged to provide perspective (isometric) drawings to show how new developments would appear in relation to their overall rural surroundings and to the character and context of adjacent buildings and neighbouring properties. Any developments must also consider the context outlined in Section 2 of this Plan. • 5.24 – the siting of any new developments should consider the need to retain open spaces and the rural nature of the Parish, together with maintaining and considering access to the numerous PROW enjoyed by the parishioners. • 5.26 – in any proposed development, grass verges, hedgerows, ditches, ponds and open spaces should be conserved and, where possible, enhanced in order to improve the habitat for wildlife and to maintain the rural nature of the area. • 5.27 – environmentally friendly features, such as bat boxes, bird boxes, and hedgehog holes shall be specified in any ecology strategy and included in the landscape and building design. • 5.28 – in any development, mature trees and hedgerows should be retained. If it can be demonstrated that trees critically need to be felled, they should be replanted with native species of local provenance; the Emergency Tree Plan for the UK (2020) stipulates that ‘if a tree must be removed, local authorities should implement minimum replacement planting ratios, which stipulate that for every non-woodland tree removed at least three new

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
		<p>trees should be planted. These new trees should be located as close to the original location as possible and be the same type of planting (for example, street trees replaced by street trees)'. <ul style="list-style-type: none"> • 5.32 – any more substantial developments will be expected to produce a detailed Design Code. • 5.52 – all new developments will provide electric charging points for each dwelling. </p>
Final bullet point, paragraph 5.16	The URL for the North Wessex Downs AONB Management Plan is required	Change made and no further comments.
3 rd bullet point, paragraph 5.32	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>Non-native species of plants should not be planted near or next to habitats as these non-native species have the real potential to compromise the habitat a certain amount. These habitats, particularly if linear, are likely to be utilised by nocturnal fauna feeding and commuting.</p>	Change made (now paragraph 5.29) and no further comments received from the Ecology Team.
Criterion B (b), Policy CAP3: Design of Development	Typographical error: the guidance contained in the Quality Design West Berkshire Supplementary Planning Document and the North Wessex Downs AONB Management Plan	Change made and no further comments.
Criterion B (b), Policy CAP3: Design of Development	It would be helpful to include URLs, perhaps as footnotes, to both the Quality Design Supplementary Planning Document (https://www.westberks.gov.uk/spd-quality-design) and the North Wessex Downs AONB Management Plan (https://www.northwessexdowns.org.uk/our-work/management-plan/)	Change made and no further comments.
Criterion B, b (iii) and (iv), Policy CAP3: Design of Development	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>Add a couple of words saying native flora somewhere here.</p>	Change made and no further comments received from the Ecology Team.
Paragraph 5.59	<p><u>Comments from Emily Jellie-Ashton, Principal Environment Delivery Officer:</u></p> <p>Suggest re-wording to the following:</p>	Change made (now paragraph 5.57) and no further comments received from the Environment Delivery Team.

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
	<p>This policy seeks to ensure that development meets the highest environmental standards in terms of its construction, materials, <u>energy use and resource energy use such as materials, water, waste etc.</u> and energy use, to help mitigate against climate change.</p>	
Paragraph 5.60	<p><u>Comments from Emily Jellie-Ashton, Principal Environment Delivery Officer:</u></p> <p>Suggest re-wording to the following:</p> <p>On 12 June 2019 the Government voted to amend the Climate Change Act 2008 by introducing a new target for at least a 100% reduction of greenhouse gas emissions (compared to 1990 levels) in the UK by 2050. This is otherwise known as a net zero target. In preparation for this, by 2035, emissions will need to be reduced emissions by 78% (compared to 1990 levels). <u>Locally, West Berkshire Council declared a Climate Change Emergency in July 2019 with an aim to deliver carbon neutrality for the District by 2030.</u> These are demanding targets, which will require everyone to contribute, from households and communities to businesses and local and national government. Being '2050 ready' will require new build<u>ings</u> to have minimal energy use and net carbon emissions over the year. They should <u>follow the be highly energy hierarchy, looking at such measures as insulation, energy efficient lighting and being fitted with or connected to low/zero carbon technologies (which includes renewable technologies). Consideration should also be given to the development reducing water demand through water efficiency methods and technologies.</u> Insulated, have low water demand and be fitted with or directly connected to renewable energy systems.</p>	Change made (now paragraphs 5.58 and 5.59) and no further comments received from the Environment Delivery Team.
Paragraph 5.61	<p><u>Comments from Emily Jellie-Ashton, Principal Environment Delivery Officer:</u></p> <p>It is not optional, it is within WBDC planning policy. Also terms like ecologically sustainable are confusing. It should be environmentally sustainable homes, or given the context Net Zero Carbon homes or low/zero carbon homes would be more appropriate.</p>	Change made (now paragraph 5.59) and no further comments received from the Environment Delivery Team.

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
2 nd bullet point, paragraph 5.62	<p><u>Comments from Emily Jellie-Ashton, Principal Environment Delivery Officer:</u></p> <p>Sometimes PV is not the most appropriate option for the development due to the orientation of the building. Suggest re-wording to the following:</p> <p>Integrating renewable energy systems into new development, including existing and new public buildings. In particular <u>Where appropriate and viable</u> there is support locally for solar panels to be incorporated into new development;</p>	Change made (now paragraph 5.60) and no further comments received from the Environment Delivery Team.
3 rd bullet point, paragraph 5.62	<p><u>Comments from Emily Jellie-Ashton, Principal Environment Delivery Officer:</u></p> <p>Suggest re-wording to the following:</p> <p>Reducing water consumption through grey water systems <u>and water efficient systems</u>;</p>	Change made (now paragraph 5.60) and no further comments received from the Environment Delivery Team.
Policy CAP4: Sustainable Design	<p><u>Comments from Emily Jellie-Ashton, Principal Environment Delivery Officer:</u></p> <p>Suggest re-wording to the following:</p> <p>1. Proposals which incorporate design and environmental performance measures and standards to reduce energy consumption, <u>carbon emissions and adapt to current and projected climate change scenarios</u> and climate effects will be supported.</p> <p>2. Proposals which incorporate the following sustainable design features as appropriate to their scale, nature and location will be strongly supported, where measures will not have a detrimental impact on character, landscape and views:</p> <p style="padding-left: 40px;">a. Siting and orientation to optimise passive solar gain.</p>	Change made and no further comments received from the Environment Delivery Team.

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
	<p>b. The use of high quality, thermally efficient building materials <u>and measures such as loft and wall insulation, and double glazing.</u></p> <p>c. Installation of energy efficiency measures such as loft and wall insulation and double glazing <u>LED lighting.</u></p> <p>d. Incorporating on-site energy generation from renewable sources such as solar panels, ground source heating and energy generation etc.</p> <p>e. Reducing water consumption through water re-use measures including rainwater harvesting, surface water harvesting and/or grey water recycling systems.</p> <p>d f. Providing low carbon sustainable design and avoid or mitigate all regulated emissions <u>by following the energy hierarchy. For example, use less energy and manage energy demand during operation through fabric and service improvements; where feasible exploit local energy sources such as secondary heat and supply energy efficiently and cleanly, via low carbon technologies; maximise the use of zero carbon technology / renewable energy by producing, storing and using zero carbon / renewable energy on-site; only where necessary, off-site measures to deal with any remaining emissions</u> using a combination of on-site energy efficiency measures (such as insulation and low energy heating systems), on site zero carbon technologies (such as solar panels) and, only where necessary, off-site measures to deal with any remaining emissions.</p> <p>e g. Providing the infrastructure for adequate electric vehicle charging points for each dwelling, where new parking provision is expected to be made.</p> <p>f h. Alterations to existing buildings should be designed with energy reduction in mind and comply with current sustainable design and construction standards, as set out in the Quality Design – West Berkshire SPD and the Building Regulations.</p> <p><u>g. Reducing water consumption through water re-use measures including rainwater harvesting, surface water harvesting and / or grey water recycling systems.</u></p>	

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
	3. The retrofitting of historic buildings is encouraged to reduce energy demand and to generate renewable low / zero carbon energy where appropriate, providing it safeguards historic characteristics.	
Final sentence of Criterion c, paragraph 5.76	Typographical error: WBDC have prepared a an adopted SuDS Supplementary Planning Document;	Change made (now paragraph 5.75) and no further comments.
1 st sentence, paragraph 6.8	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>Also include mention of Ancient Woodland and linear habitats (ie. hedgerows, streams and ditches, etc.).</p> <p>With retaining water in upland areas reducing the wildfire risk and improving habitat quality across the catchment.</p>	Change made and no further comments received from the Ecology Team.
Paragraph 6.12	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>Within 18 months to two years, the Habitat Recovery Network for Berkshire will be in place. This process is being managed by the Berkshire Nature Partnership Royal Borough of Windsor and Maidenhead.</p>	Change made and no further comments received from the Ecology Team.
Criterion 1 and 3, Policy CAP6: Biodiversity and the Network of Green and Blue Infrastructure	<p><u>Comments from Emily Jellie-Ashton, Principal Environment Delivery Officer:</u></p> <p>Policy needs to include reference to blue infrastructure. Suggest re-wording to the following:</p> <p>1. Proposals should be designed from the outset to create, conserve, enhance and manage green and blue spaces and connect chains of green and blue infrastructure, as identified on the Policies Maps, delivering a measurable net gain in biodiversity of a minimum 10% using the most up to date biodiversity accounting metric developed by Natural England for local people and wildlife. Development which would result in the loss of ancient woodland, aged trees or veteran trees will not be supported unless there are wholly exceptional reasons as envisaged in the NPPF and a suitable compensation strategy exists.</p>	Change made and no further comments received from the Environment Delivery Team.

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
	<p>3. Proposals that seek to improve the connectivity between wildlife areas, and green <u>and blue</u> spaces will be encouraged in order to enhance the green <u>and blue</u> infrastructure of the Neighbourhood area. In particular, proposals that support the enhancement and management of the identified Biodiversity Opportunity Areas will be supported. Conversely, proposals which threaten to damage such connectivity will be strongly resisted.</p>	
<p>Policy CAP7: Managing the Environmental Impact of Development</p>	<p><u>Comments from Emily Jellie-Ashton, Principal Environment Delivery Officer:</u></p> <p>This policy all makes sense to me and in line with best practice detailed in such methodologies as BREEAM. It also supports the work we are doing on Green and Blue Infrastructure, however I'm not a landscape specialist or ecologist.</p>	<p>No further comments received from the Environment Delivery Team.</p>
<p>Criterion d, Policy CAP7: Managing the Environmental Impact of Development</p>	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>Where possible trees should be left as dead standing because they are a great biodiversity resource for wildlife and if left as a monolith pose little risk.</p>	<p>Change made and no further comments received from the Ecology Team.</p>
<p>Criterion f, Policy CAP7: Managing the Environmental Impact of Development</p>	<p>Unless trees/hedges are under Tree Protection Order or within a Conservation Area they are not protected and it is not development to remove them. It might be difficult in practice to seek to retain hedgerows under this policy – the Council's Development Management Team tend to refuse loss of hedgerow in terms of the impact on the character of an area and/or impact on biodiversity, which this policy does not seem to cover.</p>	<p>Change made and no further comments received from the Ecology Team.</p>
<p>Criterion g, Policy CAP7: Managing the Environmental Impact of Development</p>	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>Laurel and leylandii would not be permitted by us.</p>	<p>Change made and no further comments received from the Ecology Team.</p>

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
Policy CA9: Local Green Spaces	Paragraph 16 F) of the NPPF states: 'Plans should: ...f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)'. The final sentence of the policy should therefore be deleted.	Change made and no further comments.
Policy CAP11: Encouraging Sustainable Movement	<p><u>Comments from Chris Sperring, Principal Transport Policy Officer:</u></p> <p>This policy is supported in principle.</p> <ul style="list-style-type: none"> • Any proposed footway or cycleway improvements will need to be developed in partnership with West Berkshire Council (as local highway authority). It should be noted that cycle improvements will need to be designed in accordance with Department for Transport Local Transport Note 1/20 (LTN 1/20: Cycle Infrastructure Design, July 2020). • Improvements around schools may require the school in question to refresh their School Travel Plan (see comments for Section 10). • Policy CAP11 or the supporting text in Section 7 could include the provision of broadband to allow opportunities for home working/shopping that could help reduce the need for travel. • The draft LTP4 Strategy document recently subject to public consultation seeks to introduce shared mobility initiatives in rural areas, which may be option for Cold Ash in due course. 	<p>No changes made.</p> <p>No changes made</p> <p>No changes made</p> <p>Change made to the supporting text at paragraph 7.11</p>
Policy CAP12: Sunken Lanes	<p><u>Comments from Chris Sperring, Principal Transport Policy Officer:</u></p> <p>The unique nature of the sunken lanes in the parish is recognised. It is likely that this would be a Highways Asset Management issue.</p>	<p>No further comments received from the Transport Policy Team.</p> <p>Many highways matters fall outside the scope of planning, and those covered in criteria a to d are such examples.</p>
Paragraph 7.23	<p><u>Comments from Chris Sperring, Principal Transport Policy Officer:</u></p> <p>Any proposals for public Electric Vehicle Charging Points would be supported.</p>	No changes made
Policy CAP15: Supporting Commercial Businesses,		Policy CS9 of the Core Strategy has regard to the location and type of business development. The policy identifies that industrial, distribution and storage uses will be directed to Protected Employment Areas, and existing suitable located

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
Existing and Expansions		<p>employment sites and premises. Outside of these areas, consideration must be given to compatibility with and impacts on surrounding uses in addition to the capacity and impact on the road network and access by sustainable modes of transport.</p> <p>Policy CAP15 supports employment development at Red Shute Industrial Estate. Red Shute Industrial Estate is defined as a Protected Employment Area within the Core Strategy and the supporting text to the policy should acknowledge this.</p> <p>Policy CAP15 also supports new or expanded commercial activity if they bring back into use vacant land based rural operations back into use.</p> <p>Both the NPPF and the Core Strategy policy CS10 have regard to the rural economy.</p> <p>Paragraph 84 of the NPPF requires planning policies to enable the sustainable growth and expansion of all types of business in rural areas, through the conversion of existing buildings and well-designed new buildings. It also identifies that policies should enable the diversification of agricultural and other land-based rural businesses.</p> <p>In addition, the NPPF seeks to support a prosperous rural economy, and paragraph 85 states that <i>“the use of previously developed land, and sites that are physically well-related to the existing settlements, should be encouraged where suitable opportunities exist.”</i></p> <p>Core Strategy CS10 (The Rural Economy) supports proposals to diversify the rural economy particularly if they are located in or adjacent to Rural Service Centres and Services Villages.</p>

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
		<p>Policy CAP15 does not include any consideration of the design of buildings, diversification, the relationship to existing settlements, nor does it encourage the use of previously developed land. To ensure that the Basic Conditions are met, modifications are required.</p>
<p>Paragraph 9.9 (supporting text to policy CAP16)</p>		<p>Although Government (https://www.gov.uk/guidance/resources-for-local-authorities#guidance-for-the-local-planning-authority) and the NPPF support and encourage the inclusion of high-speed broadband, there are no statutory requirements which support this aspiration. Policies can, however, encourage and support high speed broadband provision within new development sites.</p> <p>Since 1 April 2020, developers building sites of 20 or more dwellings have been eligible to have full fibre connectivity built across their sites at no cost if they register with Openreach.</p> <p>Through the Berkshire Digital Infrastructure Group (http://www.thamesvalleyberkshire.co.uk/digital-infrastructure-group), the Berkshire Unitary Authorities are implementing a Digital Strategy and have set-out a “Connected Berkshire Vision and Strategy” to ensure that over 95% of households and business have access to full fibre coverage (providing Gigabit capable connectivity) and to eliminate all 4G poor coverage areas by 2025.</p> <p>To help achieve the strategy, a suite of guidance is in preparation which will include planning guidance, a Dig-Once approach, and a universal wayleaves agreement.</p> <p>In light of the above, the paragraph should be amended.</p>

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
<p>Part 2, Policy CAP16: Supporting SMEs, Flexible start-ups and homeworking</p>		<p>Part 2 of policy CAP16 states that proposals will be appropriate to, amongst others, their location. Cold Ash Parish is predominantly rural in nature.</p> <p>Paragraph 84 of the NPPF requires planning policies to enable the sustainable growth and expansion of all types of business in rural areas, through the conversion of existing buildings and well-designed new buildings. It also identifies that policies should enable the diversification of agricultural and other land-based rural businesses.</p> <p>In addition, the NPPF seeks to support a prosperous rural economy, and paragraph 85 states that <i>“the use of previously developed land, and sites that are physically well-related to the existing settlements, should be encouraged where suitable opportunities exist.”</i></p> <p>Core Strategy CS10 (The Rural Economy) supports proposals to diversify the rural economy particularly if they are located in or adjacent to Rural Service Centres and Services Villages.</p> <p>For development proposals coming forward within rural areas, policy CAP16 does not include any consideration of the design of buildings, diversification, the relationship to existing settlements, nor does it encourage the use of previously developed land. To ensure that the Basic Conditions are met, modifications are required.</p>
<p>Section 10: Non-Policy Actions</p>	<p><u>Comments from Fiona Simmonds, Education Place Planning Team Leader:</u></p> <p>The section on non-policy improvements does touch on subsidised school transport from Thatcham. Whilst families from Thatcham do choose the school this is a matter of choice and is not necessary, as these are not catchment pupils. Any transport considered would have to</p>	<p>No changes made. The Consultation Statement comments that this is something that might be pursued by the Parish Council. No further comments received from the Education Team.</p>

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
	<p>take into account whether this transport was necessary, the sustainability of this transport and the potential impact on schools in Thatcham. There is sufficient capacity in Thatcham for these families to be allocated places without needing transport.</p>	
<p>Section 10 Non-Policy Actions</p> <p>Ref 12: Safeguarding sunken lanes against inappropriate traffic volumes</p>	<p><u>Comments from Chris Sperring, Principal Transport Policy Officer:</u></p> <p>The current WBDC Local Transport Plan (LTP) Active Travel (AT) Strategy (2011) notes that Quiet Lanes have been previously used in the Bucklebury Area and that they could be used in other rural villages to help all AT modes in their use of the countryside. The AT strategy is due to be reviewed, along with other supporting LTP strategies, following completion of WBDC's new LTP4 Strategy document, and it is likely the role of Quiet Lane's will be given further consideration as part of the review of the AT strategy.</p>	<p>No changes made. The Consultation Statement comments that this is a matter for the Parish Council to consider. No further comments received from the Transport Policy Team.</p>
<p>Section 10 Non-Policy Actions</p> <p>Ref 14: Need to reduce congestion and improve pedestrian safety at schools</p>	<p><u>Comments from Chris Sperring, Principal Transport Policy Officer:</u></p> <p>If school travel measures and physical improvement works (such as pedestrian crossing points) are to be taken forward, it is likely that the relevant school will be required to refresh its School Travel Plan to demonstrate commitment to improving safety and encouraging Active Travel and sustainable means of travel to/from school. The current travel plans for St. Marks (2005) and St. Finnian's (2009) are now somewhat out of date and ideally should be refreshed.</p>	<p>No changes made. The Consultation Statement comments that paragraph 7.5 make reference to school travel plans.</p>
<p>Section 10 Non-Policy Actions</p> <p>Ref 15: HGVs using inappropriate routes through the villages (despite existing weight limits)</p>	<p><u>Comments from Chris Sperring, Principal Transport Policy Officer:</u></p> <p>The road network in Cold Ash parish (including Cold Ash Hill) does not form part of the West Berkshire Freight Route Network as defined in the Local Transport Plan Freight Strategy 2014. Any amendments to weight restrictions and advisory signing would need to be developed with WBDC's Traffic and Road Safety Team.</p>	<p>Change made to make reference to WBDC's Traffic and Road Safety Team.</p>

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
Section 14 Glossary	<p>Suggest including a definition of what is meant by the 'development plan', ie.</p> <p>A document setting out the local planning authority's policies and proposals for the development and use of land and buildings in the authority's area. This includes adopted Local Plans and neighbourhood plans, together with any regional strategies that remain in force. It is defined in section 38 of the Planning and Compulsory Purchase Act 2004.</p>	Change made and no further comments.
Section 14 Glossary: Previously developed land / brownfield land	<p>The definition used should be that as given in the NPPF, ie.</p> <p>Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be PDL Previously Developed Land developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.</p>	Change made and no further comments.
Section 14 Glossary: Settlement Boundaries	<p>Suggest rewording to accord with the definition given in the Local Plan Review:</p> <p>These identify the areas in the district of primarily built form, rather than countryside the main built up area of a settlement within which development is considered acceptable, subject to other policy considerations. They identify areas within which development of brownfield land may normally be appropriate, including infilling, redevelopment and conversions in accordance with Government Policy and Guidance (NPPF and NPPG). They do not include a presumption for the development of greenfield land such as playing fields and other open space. Identified built-up area boundaries do not necessarily include all existing developed areas. While allowing for development, settlement</p>	Change made and no further comments.

Section / Policy reference	Pre-submission (Regulation 14) comments (April 2023)	Submission consultation (Regulation 16) comments
	<u>boundaries protect the character of a settlement and prevent unrestricted growth into the countryside. They create a level of certainty about whether or not the principle of development is likely to be acceptable.</u>	
Section 14 Glossary: Use Classes Order	Definition needs to reflect that the Use Classes Order was amended in 2020.	Change made and no further comments.
Appendix C: Local Green Spaces	Some of the Local Green Spaces are in private ownership, have the owners been contacted? The Group will need to be able to show the Examiner that this has been done and should be evidenced.	The Consultation Statement comments that all owners have been contacted.

Appendices

Appendix A: Legal Compliance Check of the Hermitage NDP

Legal Compliance Check – Submission of Neighbourhood Plan

Neighbourhood Plan	Cold Ash
The Qualifying Body	Cold Ash Parish Council
Date Submitted	20 June 2023
Date of Assessment	14 July 2023

Requirements and relevant legislation and/or guidance	West Berkshire District Council (WBDC) comments	Legally compliant?
<p>Neighbourhood Planning (General) Regulations 2012 (as amended) – Regulation 15 requirements:</p> <p><i>A qualifying body is required to submit:</i></p> <p><i>(a) A map or statement which identifies the area to which the proposed neighbourhood development plan relates</i></p>	<p>A map identifying the neighbourhood plan area can be found in the Submission Cold Ash Neighbourhood Development Plan (NDP) – see Chapter 1, Figure 1 on page 7.</p> <p>A map is also included at Figure 1 within the Basic Conditions Statement.</p>	Yes
<p><i>(b) A consultation statement;</i></p> <p>(the statement must contain details of (a) those consulted, (b) how they were consulted, (c) summarises the main issues and concerns raised and (d) how these have been considered, and where relevant addressed in the proposed Neighbourhood Plan – Regulation 15 (2) Neighbourhood Planning (General) Regulations 2012).</p>	<p>(a) A Consultation Statement accompanies the submission Cold Ash NDP. Appendix B of the Statement lists the statutory and local consultees who were notified of the Regulation 14 pre-submission consultation. These include:</p> <ul style="list-style-type: none"> • West Berkshire District Council • Adjoining local authorities • Adjoining Parish Councils • Berkshire Primary Care Trust • Environment Agency • Homes England 	Yes

Requirements and relevant legislation and/or guidance	West Berkshire District Council (WBDC) comments	Legally compliant?
	<ul style="list-style-type: none"> • Natural England • National Grid • National Highways • North Wessex Downs AONB • Landowners of proposed Local Green Spaces • Local businesses • Thames Water • UK Power Networks <p>It also indicates that all those on the NDP mailing list were notified.</p> <p>(b) How interested parties were consulted is set out is set out within paragraphs 2.32 to 2.35.</p> <p>Paragraphs 2.32 and 2.25 explain that the consultation was communicated to the local community via social media, an article in the Parish newsletter, and fliers and posters. All those on the NDP mailing list were notified by email, whilst statutory consultees were written to.</p> <p>Two Q&A sessions were held, with one session held online with a second in person. All of the consultation documents were placed on the Parish Council's website, and hard copies were made available upon request.</p> <p>A survey was prepared which respondents could complete either online or in hard copy.</p> <p>(c) A summary of the main issues and concerns raised as a result of the pre-submission consultation are contained within Appendix C of the Consultation Statement. An overview is also provided in paragraphs 2.38 to 2.49. The comments in full are contained within the document 'Cold Ash Parish Council pre-submission draft NDP feedback survey'.</p>	

Requirements and relevant legislation and/or guidance	West Berkshire District Council (WBDC) comments	Legally compliant?
	(d) Consideration of how the matters have been addressed within the NDP are set out within Appendix B. An overview is also provided within paragraphs 2.38 to 2.49.	
<i>(c) The proposed neighbourhood development plan;</i>	<p>The Local Planning Authority received the Submission Cold Ash NDP on 20 June 2023. It was accompanied by the following documents:</p> <ul style="list-style-type: none"> • Consultation Statement; • Basic Conditions Statement; • Evidence underpinning the spatial strategy for the NDP; • SEA/HRA final (post-consultation) screening opinion (Nov 2022); • SEA/SRA screening decision notice (Nov 2022); • SEA/HRA final (post-consultation) screening opinion (Dec 2021); • SEA/SRA screening decision notice (Dec 2021); • Evidence list; • Contact details of Reg 14 consultees for Reg 16 consultation; • Regulation 14 statutory consultees and Parish Council contacts; and • Pre-submission Draft Neighbourhood Plan Feedback Survey (Regulation 14 consultation). 	Yes
<p><i>(d) A statement explaining how the proposed neighbourhood development plan meets the 'basic conditions', i.e. the requirements of paragraph 8 of Schedule 4B to the 1990 Act.</i></p> <p>The local planning authority has to be satisfied that a basic conditions statement has been submitted but it is not required at this stage to consider whether the draft plan or order meets the basic conditions. (PPG - Paragraph: 053 Reference ID: 41-053- 20140306)</p>	A Basic Conditions Statement accompanies the submission Cold Ash NDP. This considers each Basic Condition in turn and explains how the policies in the plan meets these.	Yes
<i>(e) Environmental Assessment;</i>	WBDC conducted a screening opinion on a draft of the Cold Ash NDP and consulted within the three statutory bodies (the Environment Agency, Natural England, and Historic England) on the draft screening determination	Yes

Requirements and relevant legislation and/or guidance	West Berkshire District Council (WBDC) comments	Legally compliant?
<p>The Plan needs to be submitted with one of the following:</p> <ul style="list-style-type: none"> (i) a statement of reasons for a determination under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects OR (ii) an environmental report in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 ((Regulation 15 of the Neighbourhood Planning (General) Regulations 2012.) <p>If an Environmental Report is required, then this needs to have been subject to the required level of consultation and should comply with the government's SEA guidance. In terms of consultation, the 'consultation bodies' (EA, NE and HE) must have been consulted at scoping stage (for 5 weeks). There is no requirement for public consultation on the scoping report. The draft Environmental Report on the pre-submission neighbourhood plan will need to be subject to public consultation for 6 weeks. The draft Environmental Report must be made available at the same time as the draft plan, as an integral part of the consultation process,</p>	<p>for the minimum 5-week period (from 5 November 2021 until 10 December 2021). Drawing on the feedback from the consultees, WBDC concluded that the NDP was unlikely to have significant environmental effects and therefore does not require a Strategic Environmental Assessment (SEA).</p> <p>The Council also determined that the NDP will not give rise to significant effects on Habitats Sites (which include Special Areas of Conservation and Special Protection Areas) either alone or in-combination with other plans and projects. It was therefore considered that a Habitats Regulations Assessment (HRA) Appropriate Assessment was not required.</p> <p>On 16 March 2022 Natural England designated the hydrological catchment of the River Lambourn (which is a Special Area of Conservation) as a Nutrient Neutrality Zone (NNZ) due to the unfavourable condition of the watercourse because of unnaturally high levels of phosphorus.</p> <p>The River Lambourn NNZ covers the northern and western parts of Cold Ash Parish, and because of this WBDC advised that the draft NDP would need to be re-screened to consider its impact upon the NNZ.</p> <p>A revised screening opinion was prepared, and the three statutory bodies were consulted between 24 October 2022 and 28 November 2022. The final conclusions remained unchanged from the original screening opinion, ie. SEA and HRA Appropriate Assessment are not required.</p>	

Requirements and relevant legislation and/or guidance	West Berkshire District Council (WBDC) comments	Legally compliant?
and the relationship between the two documents clearly indicated. (See A Practical Guide to the SEA Directive, ODPM – 2005)		
The draft neighbourhood Plan should be checked to ensure it is not a 'repeat' proposal. If so, the LPA can decline to consider the plan (1990 Act Schedule 4B Paragraph 5 and Regulation 18).	The Submission Cold Ash NDP is not a repeat proposal.	Yes
The body submitting the neighbourhood plan is authorised to act (2004 P & CP Act as amended by Localism Act 2011 Section 38 A (2) and 1990 Act schedule 4B as it applies- 61F (2)).	<p>The qualifying body is Cold Ash Parish Council. The neighbourhood area was designated on 19 March 2018.</p> <p>Cold Ash Parish Council, as the qualifying body, have formally (at a Parish Council meeting on 13 June 2023) resolved to submit the NDP to the WBDC.</p> <p>The Plan was produced by the Cold Ash NDP Steering Group, a group of volunteers, having been commissioned to do so by the parish council.</p>	Yes
<p>The pre-submission publication requirements need to have been satisfied. Before submission to the LPA the qualifying body should:</p> <p>1. Publicise (but this does not have to be on a web site) in a way that is likely to bring to the attention of people who live work or carry on business in the area details of:</p> <p>(a) the proposals (b) when and where they can be inspected (c) how to make representations, and (d) the deadline for making representations – not less than 6 weeks from first publicised.</p>	<p>The Consultation Statement demonstrates that these requirements have been satisfied:</p> <p>1. The Regulation 14 consultation version of the plan has complied with the regulations, and this is evidenced in paragraphs 2.28 to 2.34 of the Consultation Statement which accompanies the submission Cold Ash NDP. It shows that the Regulation 14 consultation was publicised by a variety of means including social media, notifications to those on the NDP mailing list, and fliers and posters were placed around the village.</p> <p>The plan was available to view online at https://coldashpc.org.uk/ndp/ndp-consultations/cold-ash-ndp-pre-submission-consultation/, whilst hard copies were available at Cold Ash Parish Council office. The publicity material also explained how representations could be made and the address and website to be used.</p>	Yes

Requirements and relevant legislation and/or guidance	West Berkshire District Council (WBDC) comments	Legally compliant?
<p>2. Consult any consultation body whose interests they consider may be affected by the proposals for a NDP (please see Appendix A below).</p> <p>3. Send a copy of the NDP to the LPA.</p> <p>(Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.</p>	<p>The consultation lasted for 6 weeks and ran from 1 March 2023 until 19 April 2023.</p> <p>2. Appendix B of the Consultation Statement includes a list of Statutory Consultees and non-statutory consultees who were consulted as part of the Regulation 14 pre-submission consultation.</p> <p>3. The NDP Steering Group emailed WBDC on 16 March 2023 to advise of the consultation, and a link to the consultation documents on the NDP website was included.</p>	
<p>The Conservation of Habitats and Species Regulations 2017 Regulations 105 and 106:</p> <p><i>A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 or to enable them to determine whether that assessment is required</i></p>	<p>Cold Ash Parish Council requested a HRA screening opinion on 1 August 2021, and provided a draft version of the NDP. This included all the necessary information that WBDC required for the purposes of conducting an HRA screening assessment. The final determination was issued on 13 December 2021 following a 5-week consultation with the three statutory bodies in accordance with the Conservation of Habitats and Species Regulations 2017. The screening concluded that the NDP will not give rise to significant effects on Habitats Sites either alone or in-combination with other plans and projects.</p> <p>A new screening opinion was requested on 20 September 2022 following the designation of the River Lambourn NNZ which covers parts of Cold Ash Parish. The revised screening opinion, which was issued on 29 November 2022, concluded that the NDP will not give rise to significant effects on Habitats Sites either alone or in-combination with other plans and projects.</p> <p>Both screening opinions were submitted to WBDC alongside the NDP.</p>	Yes
<p>Meets the definition of a 'neighbourhood development plan':</p> <p><i>"A plan which sets out policies (however expressed) in relation to the development and use and of land in the whole or any part of a</i></p>	<p>The Submission Cold Ash NDP meets the definition of a 'neighborhood development plan.'</p>	Yes

Requirements and relevant legislation and/or guidance	West Berkshire District Council (WBDC) comments	Legally compliant?
<p><i>particular neighbourhood area specified in the plan”</i></p> <p>(2004 Planning and Compulsory Purchase Act as amended by Localism Act 2011 Section 38 A (2))</p>		
<p>Meets the scope of neighbourhood plan provisions, ie. specifies the period for which it covers, does not include provision about development that is ‘excluded development’ (as set out in section 61K of the 1990 Act) and does not relate to more than one neighbourhood area.</p> <p>(2004 Act s 38B (1, 2) (4))</p> <p>Meaning of ‘excluded development’:</p> <p>The following development is excluded development for the purposes of section 61J—</p> <ul style="list-style-type: none"> (a) development that consists of a county matter within paragraph 1(1)(a) to (h) of Schedule 1, (b) development that consists of the carrying out of any operation, or class of operation, prescribed under paragraph 1(j) of that Schedule (waste development) but that does not consist of development of a prescribed description, (c) development that falls within Annex 1 to Council Directive 85/337/EEC on the 	<p>The Submission Cold Ash NDP specifies that it covers the period 2021 to 2039.</p> <p>The Submission Cold Ash NDP does not contain policies relating to ‘excluded development.’</p> <p>It does not relate to more than the neighborhood area.</p> <p>These points are reiterated in the Basic Conditions Statement.</p>	<p>Yes</p>

Requirements and relevant legislation and/or guidance	West Berkshire District Council (WBDC) comments	Legally compliant?
<p>assessment of the effects of certain public and private projects on the environment (as amended from time to time),</p> <p>(d) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008),</p> <p>(e) prescribed development or development of a prescribed description; and</p> <p>(f) development in a prescribed area or an area of a prescribed description.</p>		

Conclusion: West Berkshire District Council confirms that the Cold Ash Neighbourhood Development Plan meets the legislative requirements.

Where the draft neighbourhood plan submitted to a Local Planning Authority meets the requirements in the legislation, the Local Planning Authority must publicise the neighbourhood plan for a minimum of 6 weeks, invite comments, notify any consultation body referred to in the consultation statement and send the draft neighbourhood plan to independent examination (see regulations 16, 17, 23 and 24 of the Neighbourhood Planning (General) Regulations 2012 (as amended), Planning Practice Guidance - Paragraph: 054 Reference ID: 41-054-20140306).

Following examination, the Council will determine whether or not the plan is ready for a public referendum or if further modifications are required (Schedule 4B of the Town and Country Planning Act 1990 (as varied by s38A & 38C of the Town and Country Planning Act)). Please note that all references to primary and secondary legislation are to those enactments as amended.

Appendix A – Consultation Bodies

The Neighbourhood Planning (General) Regulations 2012 Schedule 1 Consultation bodies that the Parish Council or Neighbourhood Forum should consult (at pre-submission stage):

- In a London Borough, the Mayor of London
- A Local Planning Authority, county council or parish council any part of whose area is in or adjoins the area of the Local Planning Authority
- The Coal Authority
- The Homes and Communities Agency (now known as Homes England)
- Natural England
- The Environment Agency
- Historic England
- Network Rail Infrastructure Limited
- National Highways
- The Marine Management Organisation
- Any person to whom the electronic communications code applies, or who owns or controls electronic communications apparatus situated in any part of the area of the Local Planning Authority
- Where they exist a Primary Care Trust, licensee under the Electricity Act 1989, Licensee of the Gas Act 1986, sewerage undertaker and water undertaker
- Voluntary bodies whose activities benefit all or part of the neighbourhood area
- Bodies representing the interests of different racial, ethnic or national groups in the neighbourhood area
- Bodies representing the interests of different religious groups in the neighbourhood area and
- Bodies representing the interests of disabled people in the neighbourhood area.